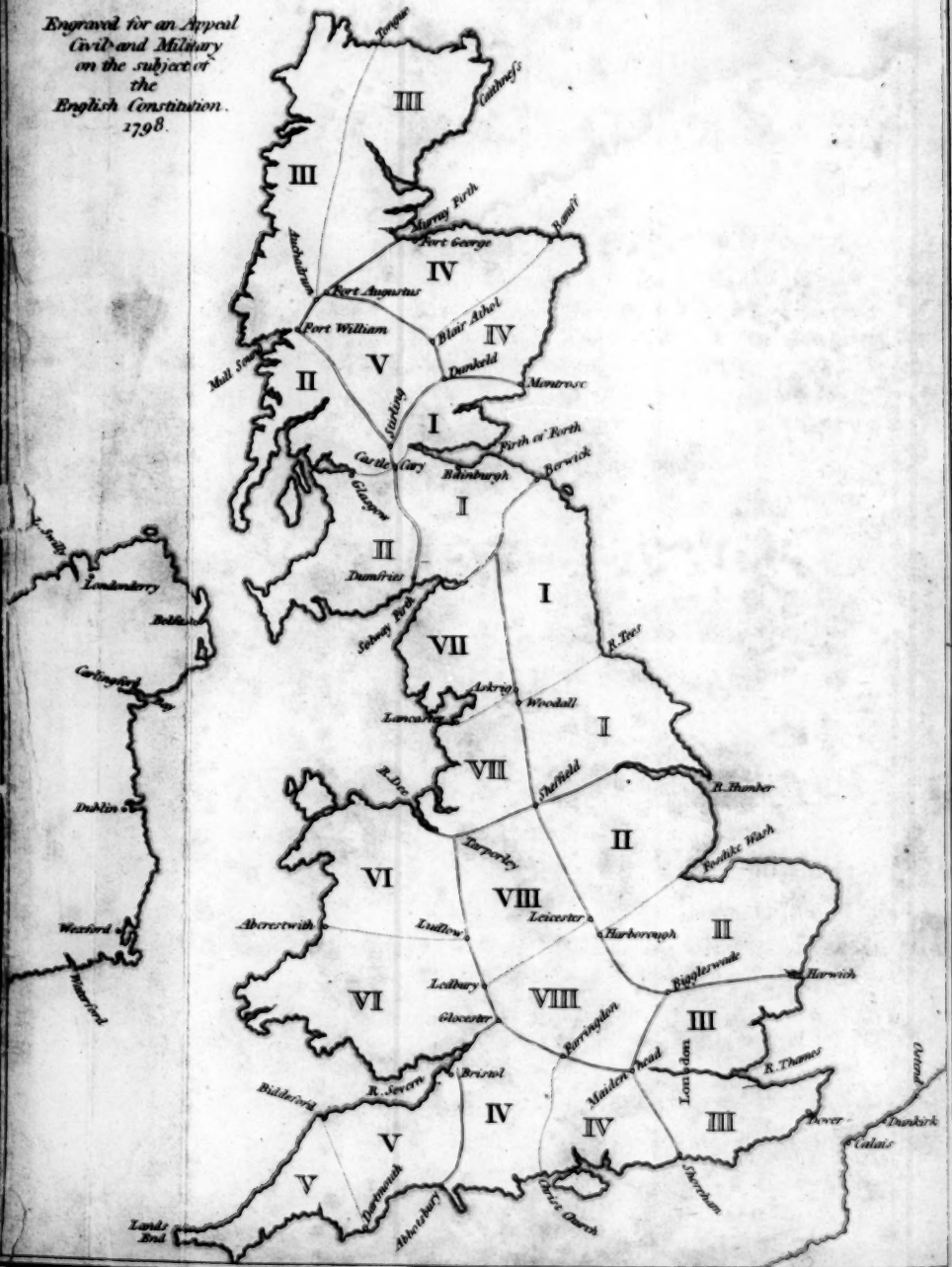
A MAP
of Military GRAND and SUB-DIVISIONS for GREAT BRITAIN.

Engraved for an Appeal Civil and Military on the subject of the English Constitution. 1798.



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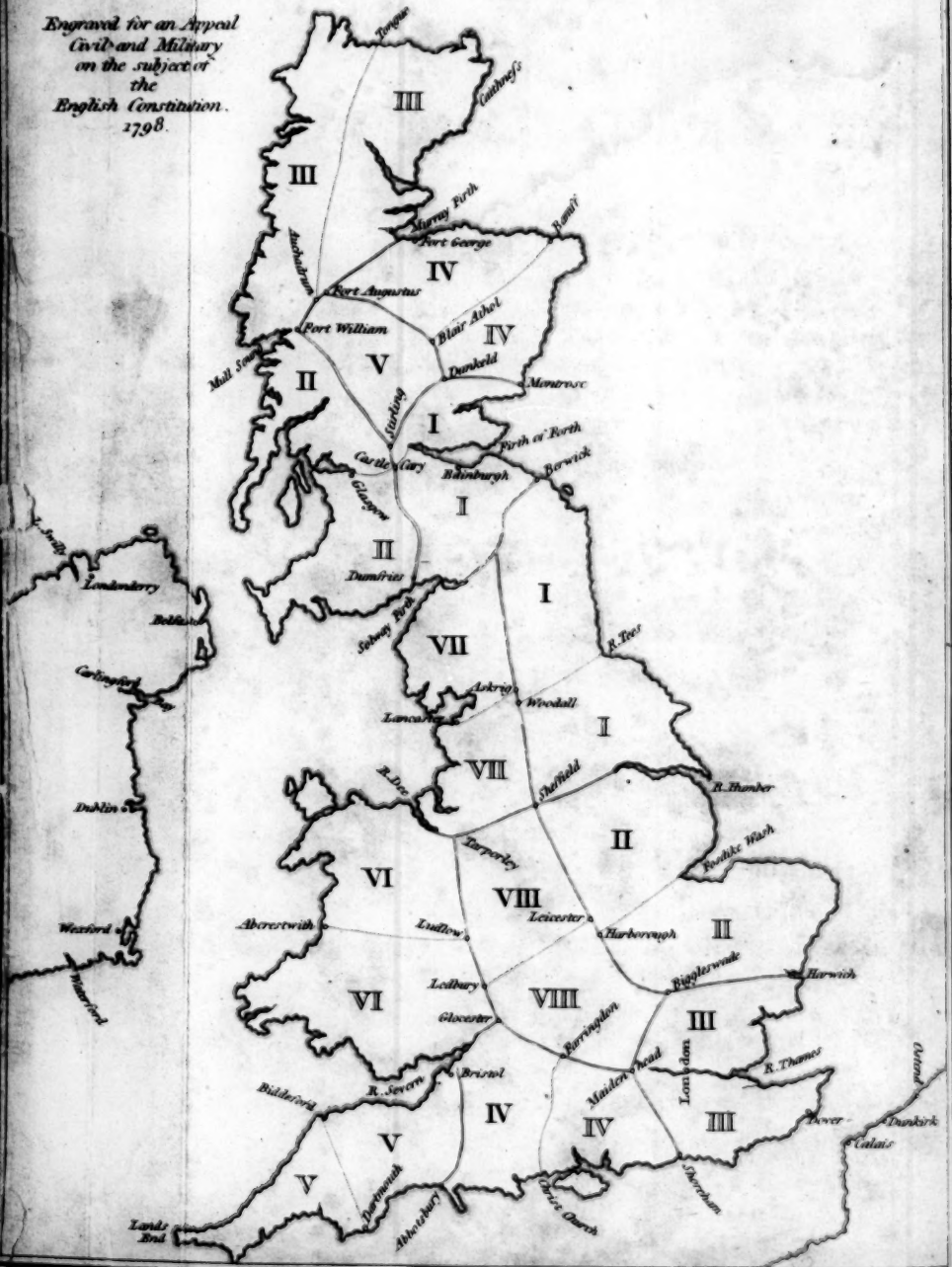

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AN APPEAL, *CIVIL AND MILITARY,* ON THE SUBJECT OF THE English Constitution.

"*Let the galled jade wince; our withers are unwrung.*" SHAKSPEARE.

"*Whenever we see a prospect of advantage to our country, we should eagerly pursue it,*
"*at the hazard not only of our tranquillity, but even of our lives; and dedicate both our*
"*labours and talents to the preservation of that* LIBERTY, *on which the peace and happi-*
"*ness of our countrymen wholly depend.*"——"*It will be found after all, that,*
"*without a generous and perfect* LIBERTY, *there cannot be a shadow of happiness*
"*among men.*" SIR WILLIAM JONES.

"ABOVE ALL THINGS, LIBERTY." *Selden.*

By JOHN CARTWRIGHT, Esq.

BEING A SECOND EDITION OF

PART THE FIRST:

TO WHICH ARE NOW ADDED,

PARTS the SECOND and THIRD;

CONTAINING,

STRICTURES ON A GROSS VIOLATION OF THE CONSTITUTION;

A CONSTITUTIONAL SYSTEM OF MILITARY DEFENCE;

REFLECTIONS ON THE UTTER INCOMPATIBILITY OF A STANDING ARMY WITH NATIONAL FREEDOM, &c. &c.

LONDON.
Printed for, and Sold by, the AUTHOR,

1799.

BRITISH MUSEUM
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DEC

DEDICATION.

To the OFFICERS *of the* BRITISH ARMY.

GENTLEMEN,

AT this criſis of our country, the preſent Appeal cannot be dedicated with more propriety, than to thoſe who are particularly ſelected to fight in defence of that Conſtitution on which I treat.

Having reaſon, gentlemen, to value yourſelves on being born to the inheritance of FREE MEN, and on bearing the two-fold character of Soldier and Citizen, I truſt that, on a calm and diſpaſſionate peruſal of the diſtinctions which preſent themſelves in theſe pages, your ſentiments will not differ from thoſe of the Author on this important queſtion—'WHAT IS ENGLAND'S CONSTITUTIONAL AND BEST SYSTEM OF 'MILITARY DEFENCE?'

In that frankneſs and ſincerity which ever belong to the character of the true ſoldier, I confide for your approbation of the ſyſtem I am anxious to ſee revived in full luſtre, widely as it may in ſome reſpects differ from that under which you now act: and I am confident that, whenever it may meet with legiſlative adoption, it will be your pride and your glory to transfer to it your ſervices and your talents. Then will it be rendered worthy of that god-like captain, the immortal ALFRED, from whoſe exalted genius it received its birth.

Generous Engliſhmen! the name of ALFRED—the king, the father, the very creator of his country from a chaos of ruin and anarchy, and who with angelic benignity watched over its liberties—the name, I ſay, of this prodigy of wiſdom, will recommend to you a military ſyſtem, which, the more it is contemplated, the more excellent it appears.

It is not, my countrymen, a ſyſtem, the political danger and the pecuniary burthen of which can ever be objects of public jealouſy, fear, or murmur; nor its ultimate inefficiency a cauſe of public conſternation:

It is not a ſyſtem which, to create a ſoldier, annihilates a peaſant or an artizan; or which tears from a wife, or a kindred, from a home, or the occupation of his choice, the brave defender of the land, to waſte amongſt ſtrangers a taſteleſs life of parade and conſtraint:

It is not a ſyſtem which, creating unhappy diſtinctions, with-holds the birth-right of equal law from him only by whoſe valour equal law and ſmiling peace are preſerved to the community; nor does it doom to a moment's privation of liberty him only, whoſe life is ſet at ſtake and continually expoſed, that to all others the ineſtimable bleſſing of liberty may be ſecured:

Nor is it a ſyſtem which, relying too much on the converſion of men into machines, is continually at ſtrife with nature.

No: on the contrary, the ſyſtem recommended is in all reſpects of another character.

In point of expence, it is, without any rhetorical figure, "the cheap "defence of nations;" while, in extinguiſhing jealouſy, in baniſhing fear, in aſſuring internal tranquillity, and annihilating external danger, it holds a glorious pre-eminence over every other military ſyſtem of human invention.

Without depriving the ſtate of the productive powers of a ſingle citizen, it furniſhes more than a million of ſoldiers, ever in the enjoyment of the ſweets of peace, and ready at their poſts for the purpoſes of war.

On the true principles of order,—the very bond of all ſociety,—and by a beautiful, refined, yet ſimple mechaniſm, it organizes a community of free citizens into an invincible army; it communicates the ſenſibilities of the individual to the aggregate of ſociety, and cauſes thoſe energies, for reſenting menace and repelling aſſault, which characterize a brave man, to adorn and to dignify a great nation.

And it is a ſyſtem which, although regulated with mechanic preciſion, has yet its ſure foundations in the human heart; and, co-extenſive with ſociety itſelf, it has a ſolid reliance on its own reſiſtleſs force.

The ſoldier it forms is equally impelled by law, by reaſon, and by patriotiſm, to fly to his ſtandard on the firſt ſound of danger: By his deareſt intereſts and his honour, he is prompted to a faithful diſcharge of his duty; and by all the objects of his tendereſt attachment, and by the nobleſt feelings of his ſoul, he is inſpired with that enthuſiaſm which renders the Free Man, defending the liberties of his country, ever errible in the day of battle.

In fine, the military ſyſtem here ſpoken of, is a ſyſtem of which equal liberty is the inſpiring ſoul, and general liberty the happy reſult.

May the intrinſic wiſdom of this ſyſtem—the nobleſt legacy of AN ENGLISH KING—of kings the greateſt that e'er bore earthly rule—once more give life and energy to England, that her Liberties and her Glory may be immortal!

JOHN CARTWRIGHT.

PREFACE.

THE particular occurrences which firſt gave riſe to this Work are by no means unworthy of attention, as they ſtrongly characterize the principles and ſpirit by which two oppoſite parties in the State are actuated.

But the narratives of theſe occurrences make but a ſmall and ſubordinate part of the preſent Appeal. If the author eſtimate his work aright, it will be found to throw lights on the ſubject of the Engliſh Conſtitution, for which we ſhall in vain turn over the pages of DE LOLME, MONTESQUIEU, BLACKSTONE, and other diſtinguiſhed writers; and lights by which every plain man may ſee what that Conſtitution requires of himſelf, of miniſters, and of parliament; and by which he may, of real truth and certain knowledge, underſtand on what the liberties of his country truly depend; and, conſequently, how thoſe liberties, when once impaired or loſt, are again to be ſtrengthened or recovered.

He accordingly feels perſuaded, that, after due attention to his remarks on the Conſtitution, the much and deſervedly celebrated COMMENTARIES ON THE LAWS OF ENGLAND, will, on ſome points,—and points of the higheſt importance,—be read with more advantage than can at preſent be done, by a ſtudent not previouſly acquainted with the hiſtory and principles of THE ENGLISH CONSTITUTION.

In the views of that Conſtitution which have been taken by political writers in general, there appears to the Author to have been a moſt extraordinary omiſſion, occaſioned by their not having diſcerned its true character. By them it has been conſidered, as a ſyſtem of mere *civil** government; and deſcribed, as if it were unnaturally and prepoſterouſly dependent, for both external and internal ſafety, on a power which is, in ſerious truth, its bane; as it muſt, if it continue, prove its deſtruction: Whereas the Engliſh Conſtitution is, in fact, a two-fold and admirable ſyſtem of civil and military polity moſt happily combined; whereby theſe two characters, like the faculties of intellectual ability and bodily force in man, are inſeparably interwoven, and conſtitute a complete ſtate, or *free* government.

It will perhaps be found, that juſt views of the Engliſh Conſtitution will not only aſſiſt us in the ſtudy of the ſcience of civil government, properly ſo called; but will enable us alſo to explode notions which have long been conſidered as fundamental principles in the ſcience of war. And this conſideration has ſomewhat added to the author's more weighty inducements, to dedicate his work to the military part of his countrymen.

They being the beſt judges in the ſcience of war, he throws out to them an amicable challenge, liberally and candidly to diſcuſs that mili-

* The inſufficiency of language, or perhaps the writer's own inſufficiency, here compels the uſe of this word in a very contracted ſenſe: but the context muſt make out the true meaning.

tary ſyſtem of which he treats; and he means it as a friendly provocation to them, to ſay all that can be ſaid to its prejudice, and in defence of the ſyſtem under which they now act: ſo that the public may have the beſt means of comparing that conſtitutional military ſyſtem, which ſtateſmen have had their reaſons for treating with neglect and burying in oblivion, with that, of a far different deſcription, which they have equally had their reaſons for bringing into uſe and ſupporting; and which they have nurſed up with the paternal hand of protection and patronage, as their favourite child.

And if the diſcuſſion, while it inlarge the military ideas of Engliſh ſoldiers, ſhall engrave on their hearts the principles of the Engliſh Law and Conſtitution, how unſpeakable will be the benefit to their country!

Although the Author has been obliged to dig ſomewhat deeply amongſt conſtitutional and legal ruins, it has not been with the frivolous ſpirit of an antiquary; nor to furniſh an idle paſtime for learned leiſure: but he ſought for truths to ſave his ſinking country, and he has found them: Or, to ſpeak metaphorically, he truſts that, in the preſent ſcarcity of conſtitutional coin, he has dug up a ſterling and an abundant treaſure; which, if put into circulation, would prevent the impending bankruptcy of Engliſh freedom; and make his country rich indeed, in that which is more precious than the precious metals; more to be deſired than gold, yea, than much fine gold; ſweeter alſo than honey, and the honey-comb.

But the eloquent ſorrows of liberty having ſometimes extorted from the Author the genuine language of feeling, his friends have not failed to expreſs their apprehenſions,—that however conſtitutionally, however legally, however meritoriouſly he may have written, yet, if he offend the powers that be, he muſt not reckon upon ſecurity!

Were there no other danger to arreſt his attention, this perhaps might keep him ſilent; but, when he can no where turn his eyes, without ſeeing danger in its moſt terrific forms, threatening the Laws, the Conſtitution, and the Liberties of ENGLAND, and beholds ENGLAND herſelf threatened with ſubjugation to a foreign enemy, the petty danger againſt which he is warned dwindles into inſignificance; when weighed in the ſcales of duty, this private danger is very cork; while that which is public, plunges the oppoſite ſide of the balance with the ponderance of lead.

It was not until the Author was engaged in the following diſcuſſion, he perceived the profound wiſdom of that remark of *Fletcher*, that the military branch "is the chief part of the conſtitution of any free go-"vernment:" But, certain it is, the nation that is completely, and without factious diſtinctions, armed on a right ſyſtem, may ſecurely meditate at leiſure, and with full effect, on reforms in the civil branch of its conſtitution; whereas, a nation that has only a parchment freedom, while the ſword is monopolized by ſelected perſons and parties, may have indeed in its books, a law that is "the perfection of reaſon;" but, both its law and its liberty, it muſt hold at the diſcretion and good pleaſure of thoſe who bear the ſword.

As recent events which have covered our country with naval glory, may have a tendency to weaken in the minds of the unreflecting, the effect of ſome of the author's remarks, he thinks it right to obſerve, that,

although he ſometimes endeavours to illuſtrate his arguments by references to paſſing events, he has been cautious not to be led aſtray by reaſonings applicable to ſuch events only; but to lay down thoſe principles of national ſafety, which depend not upon accidental occurrences; but, being rooted in nature, muſt prove as permanent as human exiſtence.

If the gallant Nelſon have deſtroyed a fleet of the enemy, be it remembered, that that fleet conducted to its deſtination, an army that has taken poſſeſſion of a territory, which, of itſelf, under Sſoſtris, once ſubdued countries more extenſive than all Europe.

If ſquadrons and naval detachments have been captured on their way for Ireland, we muſt not forget the anxiety and alarms which, but very lately, were felt both in that country and in this, from the expectation of ſerious invaſion: Nor ought we to be unmindful of the narrow eſcapes which the empire has had from being rent aſunder.

If naval vigilance and energy have thus far happily, and I may add luckily, ſupplied the deficiences of conſtitutional defence, we ought to be aware that long nights and a tempeſtuous ſeaſon may ſtill baffle that vigilance, and render that energy of no avail: But at all events, if there be fundamental errors in any ſyſtem, thoſe errors ought, if poſſible, to be corrected, before they produce the evils to which they naturally tend.

And if a great ſea force and an immenſe land army, each maintained at enormous expence, have barely kept unwilling Ireland in ſubjection to his Majeſty, the Author preſumes to think, that ſuch an effect muſt flow from a wrong ſyſtem of government, civil as well as military. He alſo preſumes to maintain, that, on a right ſyſtem, *almoſt the whole of this vaſt expence might have been ſaved;* and that Ireland would have been, not only in perfect ſecurity and tranquillity, but, at this moment, bound to England by the ſtrongeſt bonds of affection and attachment; on thoſe principles of UNION which can alone accord with *the freedom of either country;* inſtead of greatly and deplorably leſſening, as ſhe now does, the military ſtrength of the Empire.

On the immediate ſubject of our naval triumphs, to which no pen can do juſtice, and the ſplendour of which now fills ſurrounding nations with admiration and aſtoniſhment, the Author feels impelled to ſay a few words.

If miniſters ſhall promptly render thoſe national triumphs ſubſervient to the ſecuring a ſolid peace;—a peace to be made at once permanent and beneficial, by thoſe healing meaſures of reform ſo much wanting to the preſervation of our political liberty;—then will thoſe triumphs be triumphs indeed; and may be claſſed amongſt the greateſt national bleſſings: But if thoſe triumphs are to be turned to other, and oppoſite purpoſes, doubtleſs they may become inſtrumental to national calamity, and even to national ruin. Flattering and faſcinating the public mind, they are of a nature to anſwer the purpoſes of ſtateſmen, who may wiſh to lure the nation into a continuance of war againſt its beſt intereſts; and how much ſuch ſucceſſes muſt ſtrengthen the hands of preſiding miniſters is perfectly well known.

Although by no means inſenſible to national glory, the Author has arrived at a period of life, and at habits of reflection, which teach him,

that, without national freedom, national glory is a phantom, and at beſt a ſplendid wretchedneſs; for what in that caſe is it, but a gilded ſlavery! It is therefore his prayer,—a prayer in perfect conſiſtence with every page of the following Appeal, that the fate of antient Rome may not await his country; and that Engliſh Liberty may not expire in the arms of Victory!

AN

AN APPEAL, &c.

PART THE FIRST

To the Freeholders and Taxed Houſeholders of Boſton, and its Vicinity.

SECTION I.

Brotherſtoft Farm, July, 1797.

FRIENDS AND COUNTRYMEN!

AN altercation on trifles would not deſerve your notice; nor ſhould it occupy my time: but when that which is eſſential to our freedom and happineſs is ſtruck at, it does not become men to be negligent and indifferent.

In conſequence of circumſtances which have occurred ſince the public meeting held at Boſton on the 29th of March, I feel myſelf particularly, and in ſome degree perſonally, called on, to come forward once again, and to appeal to your judgment. On the occaſion I mention, ſome of us petitioned the houſe of commons reſpecting the unhappy ſituation of public affairs. Others, who did not then give us the meeting, freely to diſcuſs and argue the caſe, afterwards held a meeting (on the 10th of May) and produced, ſo far as their object was political, a counter-petition.

In this counter-petition, the political conduct of the firſt petitioners is ſtrongly condemned; in as much as, according to the expreſſed "conviction" of the counter-petitioners, a compliance with the prayer of the firſt petition "would tend directly and unavoidably to the ſubverſion of our preſent conſtitution." This, my friends, is no ſlight imputation upon, either the underſtandings, or the intentions of, the firſt petitioners. As this imputation is brought forward by one part of this neighbourhood, againſt another part; and as, at this peculiar criſis, the tranquillity and ſafety of our country, more than at any former period of our hiſtory, appears to depend on the opinion of the people, I beg leave to call your attention to the queſtion at iſſue between the two petitioning parties; and for reaſons that will be given in the ſequel, it may be of much public utility, if you ſhould, after mature conſideration, give your decided opinion upon it. One of the two parties muſt have been in an error extremely dangerous to the public peace and intereſt; and as all are intereſted in the conſequences, it will well become you to make yourſelves maſters of the queſtion, and to decide upon it in the

moſt diſpaſſionate manner, according to the beſt lights of reaſon, and the dictates of conſcience. The merits of the queſtion appear to the writer of theſe pages to lie in a narrow compaſs, and to be level with the capacities of plain, unlearned men. His beſt endeavours to aſſiſt in this inquiry ſhall not be wanting; and they are the objects of the preſent Appeal.

He thinks he does not appeal to you, as a man who has blindly adopted particular opinions; nor as one who is devoted to any party in the ſtate; but as a man who allows that he is under a moral obligation to his fellow-men, and to that parent of whom all men are the children, to do one, from any opinion he now holds, as ſoon as it ſhall be proved a[illegible] all private intereſts, to ſupport and promote, to the beſt of his judgment, the true intereſt of his country; which he conceives can only be done, by ſupporting and promoting *the fundamental rights and liberties of his countrymen.*

He hopes what he writes will be read with like diſpoſitions; and that thoſe to whom he now appeals, will, like himſelf, exerciſe their *independent judgments;* being, in matters of opinion, ever ready to take counſel, but diſdaining to receive command. To be ſaddled againſt the freedom of one's own will with another's political creed; meanly to bear *the burthen of his private intereſt againſt conſcience and the public good;* and to obey his call, his curb, or his ſpur; is to be a mere political horſe, and fit only to rank with that four-footed ſervant of our ſpecies: To think, to reaſon, and to will, on moral conſiderations, and with independency of mind, is to be a man.

A right reverend prelate has lately told an Engliſh people, they have nothing to do with the laws, but to obey them: and we are not without plenty of inſtructors, to perſuade us, that all private perſons had beſt mind only their own private concerns, and leave matters of government wholly to thoſe in whoſe hands they are placed.

Now there are but two material objections to this kind advice. Firſt, every man beſides his private capacity as a merchant, a farmer, a mechanic, &c. has likewiſe a public capacity, and public duties, as a member of the ſtate; and ſecondly, this advice of the prelate is not very conſiſtent with common prudence, good ſenſe, or morality, for if any free people on earth could once be brought to adopt it, the overthrow of their liberty, and the ruin of all morality, would be the certain conſequence. At Athens, it was even a law—and a law framed by Solon, one of thoſe who for eminence were called the ſeven wiſe men of Greece—that the private citizen who bore ſo criminal an indifference towards his country, as not to take a decided part in its political agitations (on one ſide or another) ſhould ſuffer death. But not to carry things ſo far as this, I ſtill hold it to be unqueſtionable, that all men ſhould acquaint themſelves with the outline at leaſt of thoſe duties which all men owe their country; and that the higheſt proof of excellence in government is, in its being ſo organized, as regularly to keep the whole maſs of the people to the exerciſe of their political duties, as a thing of courſe.

By the author of the Hiſtorical Eſſay on the Engliſh Conſtitution, it has accordingly been well obſerved, that, in ancient times, the people were taught a knowledge of their conſtitution and their duties, by the annual exerciſe of their rights. "The annual exerciſe," ſays he again, "of elective power under the Saxon government, was the quinteſſence, "the life and ſoul of their conſtitution. The firſt principle of a go-

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"vernment, that is founded upon the natural rights of mankind, is the "principle of annual election. Liberty and election, in this case, are "synonimous terms; for where there is no election, there can be no li-"berty." P. 7—11. Should this mode of educating man in his political duties come once more into fashion, it might be very serviceable for the instruction of those in *public*, as well as in private stations.

If, on political subjects, touching the rights and liberties of the people, or measures proposed for their security, any should be listened to with more than ordinary caution, it should seem, and for very obvious reasons, to be those who are in *public* offices, from the prime minister down to the exciseman; but here, again, the fashion of the times is the reverse of what prudence would dictate. But let not, my friends, even the necessary caution here recommended, degenerate with you into political prejudice, or party spirit. *Judge the tree by its fruit.* To him who is disinterested, independent in mind and conduct, faithful to the constitution, and ever ready to explain what he means by it, listen with attention, whether he be in or out of place: but when addressed by the selfish, the servile, the *mysterious*, or the versatile, be upon your guard.

With respect to attempts by direct power, derived from *property*, to prevent or to quash free discussion, or to suppress the manifestations of public opinion, I have no cautions to offer; as such conduct would speak for itself. This species of open tyranny, is, thank God, fast wearing out: but, although this undisguised tyranny is on the decline, we ought not therefore to conclude that all danger is over. When, on the expulsion of the Stewarts, *prerogative* was curbed, we know to our sorrow what succeeded. A weight of taxes, which the red right arm of *prerogative* never could have laid upon this nation, nor would have dared to attempt, has been imposed upon it, and by means easily to be accounted for—by *corrupt influence*. And so, when property may have lost its arbitrary power, means may and will be resorted to, for obtaining an equivalent, perhaps more dangerous to public liberty. But it is our consolation, that the same remedy which would at once annihilate a corrupt influence in government, and yet leave prerogative in full possession of its "discretionary power of acting for the public good, where "the positive laws are silent *," would likewise, although it divested *property* of tyrannical authority, leave it in full security of enjoying all that fair and honest influence which must ever result from a benevolent and virtuous use of it.

Without farther preface, I shall now lay before you the petition of March.

"To the Honourable the Commons of Great Britain, in Parliament "assembled.

"The humble petition of the undersigned Freeholders and "Householders assessed to the payment of Taxes within the town "of Boston and the vicinity thereof.

"Seeing our country, notwithstanding the free form of its govern-"ment, and the capacities for grandeur and happiness by which it has "been so eminently distinguished, brought to a low and alarming ebb "of adverse fortune, we should be wanting to ourselves and to our "posterity, if we called not with the voice of earnest exhortation on your "honourable house, to interpose its wisdom and authority, for averting "that torrent of calamity which now pours down upon us with so much

* Blackstone's Commentaries, I. 252.

" force, threatening both the property and the liberties of the nation
" with one common extinction.

" With manufactures nearly at a ſtand and agriculture ſcarcely repay-
" ing its own expence, it will be impoſſible long to anſwer the demands
" of an increaſing taxation. And if, while the produce of our own
" ſoil appears to be equal to home conſumption, and makes but a
" ſcanty return to the huſbandman, the money of our country be ſent
" abroad for the importation of foreign grain, the evils of a ſcarcity of
" ſpecie muſt be aggravated.

" But when we turn our eyes to a national debt of more than four
" hundred millions of pounds ſterling, contracted in one hundred years;
" of which debt above one hundred millions are the fruits of a four-
" years' war,—a war of which we profeſs not to know the object, nor
" can foreſee the end,—we muſt feel the moſt ſerious apprehenſions that
" general ruin cannot be far off, unleſs averted by the return of dura-
" ble peace, followed up by the exertions of a wiſdom the moſt pro-
" found, and an œconomy the moſt rigorous.

" And, indeed, in a country where repreſentation is the vital princi-
" ple of its conſtitution, and in which not a ſhilling can be legally put
" at the diſpoſal of miniſters but by the deliberate act of the repreſenta-
" tive aſſembly of the nation, the very phenomenon—the very exiſtence
" of a debt of ſuch ruinous magnitude, is of more force than a thou-
" ſand tongues, to proclaim that, in the very ſtructure of the ſtate it-
" ſelf, there muſt ſomewhere be a lamentable defect—that in ſome eſ-
" ſential part, its organization muſt in the higheſt degree be deranged
" and out of order.

" And when we contraſt a public treaſury which, from the ſpirited
" agriculture, the immenſe manufacturing ability, and the boundleſs
" commerce of this country, ought ever, without oppreſſion to the peo-
" ple, to be full to the brim, and even overflowing for the advancement
" of national improvements, with our preſent exhauſted exchequer and
" wounded credit, the exiſtence of ſuch a defect in the ſtate—of ſuch a
" derangement in its organization, appears to be irreſiſtibly confirmed.

" And when we know that your honourable houſe, which is pecu-
" culiarly the people's part and ſhare of our mixed government, has
" ever had in its hands the full means of ſhielding them from wrongs of
" every kind, and of protecting their property from all improper public
" impoſitions; while yet their preſent grievouſly-burthened condition
" manifeſts that this protection has not been afforded; where, but in your
" honourable houſe itſelf, can we look for that defect, or derangement
" of organization, of which we have ſpoken? Where elſe, can we
" ſeek the true cauſe of a debt, which threatens ſpeedily to cruſh the
" nation under its enormous weight? Or where, elſe, can we diſcover
" the ſource of the dreadful power of ſucceſſive miniſters, by which,
" without check, controul, or even inquiry into their moſt glaring miſ-
" managements, they have improvidently and wickedly ſquandered
" the patrimony of an injured people, and mortgaged the very ſweat of
" the brow of future generations, in the proſecution of war after war,
" for objects of political folly, of corrupt ambition, or of a criminal luſt
" of unconſtitutional power?

" In a petition preſented to your honourable houſe, on the ſixth day
" of May 1793, we find aſſertions of a multitude of facts, all ſhewing
" that in the actual mode of ſupplying your honourable houſe with its
" five hundred and fifty-eight members, the ſacred repreſentative prin-
" ciple of our conſtitution is contemptuouſly ſet at nought, and daring-

" ly trampled under foot by men of wealth and influence. Many of " thoſe facts demonſtrate, that ſeats in your honourable houſe, being " attached to real property, particularly in burgage houſes, may conſe- " quently be bought and ſold like any other marketable commodity; to " the grievous wrong and diſhonour of this nation.

" And in the ſaid petition it is particularly declared that three hun- " dred and ſeven of the members of your honourable houſe are returned, " not by the collective voice of thoſe whom they appear to repreſent, " but by the immediate authority of eighty-four individuals, and the re- " commendation of ſeventy-four other powerful perſons; ſo that a de- " cided majority of your honourable houſe—to the utter ſubverſion of " all principle—has no dependance whatever upon popular election; " nor holds that political relation to the people, which our conſtitution " requires, as eſſential to its own exiſtence, and to the preſervation of " our property and our liberties.

" And to exhibit the moſt deadly of the ſtabs which our conſtitution " has received, legal evidence was even offered at your bar, to prove " that forty-one peers of the realm returned eighty-one of your honour- " able members; and that there were the moſt reaſonable grounds to " ſuſpect, the whole number ſo returned was no leſs than one hundred " and fifty.

" If all theſe be proveable facts—if they be real truths, we need look " no farther for the ſource of national calamities: if the very fountain " head of Britiſh ſecurity be thus poiſoned, we ſee nothing in the pre- " ſent gloomy aſpect of public affairs, but what is the neceſſary effect " of a natural cauſe; and to point elſewhere for correction before the " maſter-evil be done away, were but folly and deluſion; inſuring, ra- " ther than averting, that ruin with which we are threatened.

" If our government of king, lords, and commons, to which we cling " with ſuch fond attachment, be thus mangled and deformed;—if the " repreſentative, the vital principle of our conſtitution, be thus almoſt " torn up by the roots, here muſt begin the work of ſubſtantial reform, " or our labour will be loſt. In this fatal violation of the rights of the " people, and of the independence of your honourable houſe, we be- " hold a cauſe, whoſe magnitude and prolific faculties are fully corre- " ſpondent to the multitude and the magnitude of the evils which, not- " withſtanding the natural capacities of Great Britain for proſperity, " have weighed her down in ſevere adverſity to the earth, and now " threaten her very exiſtence as a ſtate with ſpeedy diſſolution.——In " this fatal violation of our conſtitution, we at once diſcover the whole " ſecret of unmerited penſions—of the reverſion of lucrative ſinecures " to unborn claimants—of the expenſive multiplication of offices—of " the laviſh expenditure of public money—of a ſyſtem of devouring " corruption—of the uncontrouled power of miniſters—and of the dread- " ful frequency of war, which throws open to them the flood gates of " patronage and influence, and which in a few campaigns, madly diſſi- " pates what the induſtry of an age is required to accumulate; and, " laſtly, it is here alſo we diſcover the certain cauſe of the aſtoniſhing " phenomenon now before our eyes, of our country, pre-eminently " bleſſed with all the natural means of happineſs, ſinking under her " burthens in diſtreſs and miſery; a ſad example to riſing nations, of " the dreadful conſequences of not perpetually looking with a jealous " eye to the firſt encroachments on the foundations of freedom, which " are the only ſure foundations of national proſperity.

" That the purſe of the whole nation, inſtead of being under the right-

" ful guardianſhip of repreſentatives fairly choſen by the whole nation,
" ſhould be at the diſpoſal of a houſe of parliament, a decided majority
" of whoſe members are ſaid to be appointed by one hundred and fifty-
" four individuals, and ſo appointed by means of an unconſtitutional
" power and influence, your honourable houſe cannot think conſiſtent
" with any principle of our conſtitution, of juſt government, or of right
" reaſon: that a revenue of more than twenty millions ſterling a year,
" ſhould be extracted from the induſtry of the people, and voted away,
" by any other than a genuine repreſentative of that people, no example
" can ſanction; no precedent, no argument can juſtify. The condem-
" nation of ſuch a ſyſtem muſt now be impreſſed on every mind; and
" felt in every heart: it is written in the tears of the wretched, and in
" the blood of the ſlain: we hope, we truſt in the virtue of your ho-
" nourable houſe, it will not be inſcribed on the tomb of our country.

" And in the defect of our national repreſentation in your honourable
" houſe, we preſume it muſt alſo originate, that even in the caſe of ſelf-
" preſervation, that firſt and ſtrongeſt principle of all animated nature,
" and that to which nature's law gives peculiar ſimplicity—this nation, as
" if devoted to its own deſtruction by ſelf-deſertion; as if nothing were
" valuable in its eyes, but that which was myſterious and obtained at an
" enormous expence, has utterly departed from her ancient, her ſimple,
" cheap, energetic, and infallible ſyſtem of defence—an armed inhabit-
" ancy; to rely almoſt wholly for her preſervation on a navy, which
" for its means of utility muſt depend upon the uncertain elements;
" and on a profeſſional ſoldiery, which is hired from thoſe claſſes in ſo-
" ciety who, of all others, have the ſmalleſt intereſt in the defence of
" the ſtate, and the ſlendereſt means of underſtanding the value of our
" conſtitution.

" Here we beg leave to call the attention of your honourable houſe to
" the wiſe and manly practice of our anceſtors, and to the neglected law
" of the land. We refer in particular to the ſtatue of the 33d of Henry
" viii. c. 9;—a ſtatute which a fatal partiality for ſtanding armies has
" ſuffered to fall into diſuſe, but which is unrepealed law to this day.

" By this ſtatute, every able man, without diſtinction, is required to be
" continually provided with arms for the defence of the realm againſt
" outward enemies, and even the unprovided ſervant is to be ſupplied,
" and his wages abated to pay for the arms procured him. All mayors
" and other magiſtrates of the towns are commanded to make proclama-
" tion of the act four times a year in every market throughout the king-
" dom; and the ſame is required of the judges in their circuits, and the
" juſtices of the peace in their ſeſſions.

" Although, in conſideration of the increaſed expence attending the
" arms now in uſe, in conſideration alſo of the utility which may attend
" the maintenance of a profeſſional ſoldiery in ſome moderate propor-
" tion, and for other reaſons, we do not go ſo far as to recommend a re-
" vival of the ſpirit of this ſtatute to its full extent with an application
" of it to modern arms; yet, in the preſent perilous ſituation of our
" iſland threatened with external danger of a magnitude truly tremen-
" dous, and requiring for its ſafety abundantly more armed men than
" its fields and manufactures can ſpare from induſtry, or its exhauſted
" revenues can afford to maintain as a profeſſional ſoldiery; we humbly
" ſubmit to your honourable houſe whether reviving ſo much of that
" dormant ſtatute as ſhall arm every houſeholder aſſeſſed to the payment
" of parochial taxes, be not in every view a ſalutary meaſure; or rather
" a meaſure of irreſiſtible neceſſity; and that on which it probably de-

" pends whether we are long to exiſt as a people, or to become a miſera-
" ble province dependent on the proud republic of France *.

" Whatever hopes the directory may entertain of making impreſſion
" on our country by arms, thoſe hopes can only ſpring from their know-
" ing the unarmed ſtate of the inhabitancy, and their concluding that
" the extreme decay in the repreſentative part of our government muſt
" have deſtroyed that ſympathy betwen the people and their rulers which
" is neceſſary to national ſtrength.

" But if your honourable houſe ſhould in its wiſdom take the neceſ-
" ſary meaſures for having it ſhortly announced in Paris, that Engliſh-
" men had an Engliſh conſtitution in its purity to fight for;—that a vote
" of [illegible] repreſentatives on an equitable plan was ſecured to every
" taxed houſeholder, and a muſquet made part of the furniture of his ha-
" bitation, we believe that humiliating embaſſies might be diſpenſed with;
" and that this intelligence would do more towards ſecuring an early,
" an honourable, and a laſting peace, than voting to miniſters all the re-
" maining millions of our country; or devoting to the farther proſecu-
" tion of the war thrice as many human beings, as in the Low Coun-
" tries, and in Germany, in France, Italy, and the Weſt Indies, have
" already fallen its miſerable victims; filling all Europe with widows
" and orphans, and every where ſpreading depopulation and poverty.

" Deprecating therefore this horrid ſcourge of our ſpecies; alarmed
" for the ſafety of our iſland; earneſtly ſeeking that rigid œconomy
" which can alone retrieve our affairs and ſecure our property; and,
" above all, anxious for that reform, without which our liberties muſt
" periſh; we moſt earneſtly entreat, and moſt ſolemnly conjure your ho-
" nourable houſe, to take the premiſes into its moſt ſerious conſide-
" ration, and to afford us that relief and protection which our caſe ſo im-
" periouſly requires."

To the impartial judgment, not only of the preſent generation, but of poſterity, the foregoing petition may be ſubmitted. And whether the liberties of our country be deſtined utterly to periſh or to ſurvive, thoſe who ſigned that petition, may with ſatisfaction and an honeſt pride reflect, that, in the year 1797, they were the firſt Engliſhmen who, uninfluenced by the inferior motive of reſentment towards miniſters for the injuries received at their hands, or miſtaking an evil only *ſecond* in degree, for that which is the firſt and the greateſt in the catalogue of national calamities, penetrated to the bottom the true malady of the ſtate, and pointed to its proper cure. Of one half of their preſcription, our governors, in their circular letters, calling on the houſe-holders throughout the kingdom to *arm*, have already acknowledged the propriety: unfortunately, however, taking advice unwillingly, they reverſe the natural order of things; beginning to adminiſter the ſteel and the bracing regimen inſtead of firſt relieving, by a reform, the vital parts of the ſyſtem from that load of morbid matter which is the cauſe of its debility; a debility which, without previous evacuants, bracers, it is to be feared, inſtead of removing may aggravate. At all events, it is beginning the work at the wrong end.

The foregoing petition, as we have ſeen, appeals to the well-known and broad principles of our conſtitution; it ſpeaks of facts that may

* The reader, if he ſhould compare this paragraph with the propoſitions and reaſonings in the ſecond and third parts of this work, will keep in mind that, in one caſe, the author was penning a petition, to be moved at a public meeting for the ſignatures of other men; in the other, he was delivering the reſult of his meditations to his country at large, through the medium of the preſs.

well cauſe amazement in the minds of thoſe to whom they may be new, and fill the heart of every reflecting Engliſhman with concern and alarm; and on theſe grounds it prays for the redreſs of wrongs which are moſt injurious and degrading: in ſhort, it ſtates facts, which, if true, will puzzle the ſhrewdeſt caſuiſt among our counter-petitioners to prove that we have any conſtitution at all remaining.

In oppoſition to all this, the counter-petitioners, without denying, or even affecting to doubt, a ſingle fact,—without combating any one of our invincible reaſons for a reform,—and without ſhewing that our ideas of the Engliſh conſtitution are erroneous, or giving their own,—without, I ſay, doing any of theſe things, venture to [illegible] it to parliament and to their country, as a naked, unſupported opinion, that ſuch a reform as we recommended "would tend directly and unavoidably to the ſubver-"ſion of our preſent conſtitution."

At ſuch a moment, and on ſuch a ſubject, it would, methinks, have well become thoſe who ſo widely differed from neighbours, who had reſpectfully and ſolemnly laid their ſentiments before parliament, and who had argued the caſe with that high court of legiſlation, not thus to have reſted on a mere *ipſe dixit* opinion, but to have given a reaſon for the faith that was in them. And when we conſider the cenſure caſt by them, either on the heads or on the hearts of the original petitioners, ſuch a courſe ſeems to have been the more neceſſary; in order, not only to juſtify that cenſure itſelf, but to furniſh the cenſured parties with the means of diſcovering their own error, if there were one. Nay, ſo unſkilled are the counter-petitioners in political manœuvring, and ſo awkward in parrying reform, that in the very act of defending a certain houſe, they give it a ſlap in the face; for what was the tendering to it *ſuch* a petition, in *ſuch* a cauſe, but a declaration of their "conviction" that it was as ready to catch at ſtraws, as others could be to offer them.

The words of the counter-petition, after diſpatching the ſubject of corn, are theſe; "And your petitioners further repreſent, that a petition to "your honourable houſe, agreed to at a certain meeting, held at Boſton, "on the 29th day of March laſt (at which meeting John Cartwright, "eſq. was chairman) did not (as your petitioners verily believe) ex-"preſs the real ſentiments of the inhabitants in general of that town "and neighbourhood, nor of the freeholders, nor of the taxed houſe-"holders, but only the ſentiments of a very ſmall number of perſons of "any of thoſe deſcriptions, ſo far as relates to the election of members "of your honourable houſe; and that your petitioners are convinced "that a reform of ſuch election, extending the right of ſuffrage, either "univerſally or to every taxed houſeholder, would tend directly and un-"avoidably to the ſubverſion of our preſent conſtitution—Your petition-"ers therefore humbly pray, &c." Good God! are there, in the year 1797, Engliſh gentlemen who can call this their "conviction!" What in the name of every thing ſacred, paſt, preſent, and to come, is it they call our "preſent conſtitution?" Do the facts, touched on in the petition of March, ſtand for nought? Do the legion of facts ſtaring them in the face, in the petition of 1793, ſtand alſo for nought? Is it nought, that peers pour into the houſe of commons members by hundreds? Is it nought, if ſeats in that houſe are bought and ſold, as we buy or ſell a field, or an ox, or a pig? Is it nought, if a decided majority of a houſe of commons are not elected by the commons, but have conſtituents unknown to the conſtitution?—Surely, to paſs by ſuch facts, as ſo many noughts in the account, is to ſet up an opinion againſt fact with a witneſs! and to talk of the correction of ſuch abuſes, as a ſubverſion of the

conſtitution, is to ſhock every principle of juſt reaſoning, and to run counter to the common ſenſe of mankind, wherever permitted freely to think, and independently to act.

Is there now an enlightened nation upon earth, that does not know *repreſentation* to be the ſource, and only poſſible cauſe, of political liberty? What was it gave England ſuch a proud pre-eminence over the other European ſtates, prior to the French revolution? It could not be her ſhare of ariſtocracy; it could not be her portion of monarchy. Theſe ſhe had only in common with other nations: but it was her popular repreſentation. It was popular repreſentation, even imperfect as it was, that infuſed the energy which cauſed her glory, and that general admiration and envy, of which ſhe was the object. And to popular repreſentation, even that monarchy and that ariſtocracy in this country were indebted for all their value: for while, in other countries, where ſuch repreſentation was wanting, monarchy and ariſtocracy lay heavy on the loins of the enſlaved people; here, balanced by a repreſentation, thoſe orders acquired a character of utility and beneficence, and were beloved and reverenced by a flouriſhing nation.

And long, long after the taint of decay began to canker this root of England's proſperity, the tree was adorned with bloſſoms, and enriched with fruit, ſufficient to give her a ſplendid ſuperiority over the nations, where a withering deſpotiſm had blaſted the liberty and happineſs of man. But, as if a providential judgment had hung over her, ever ſince, to her eternal diſgrace, ſhe firſt unſheathed the ſword againſt the principle of *repreſentation* *, her own corruptions ſeem to have overpowered her conſtitution, and to be rapidly precipitating her fall. Foiled and diſhonoured in two iniquitous wars, her dominion rent aſunder, her debt grown to a mountain, her arm fevered and convulſed, and her whole frame exhibiting a ſtruggle between liberty, her vital principle, and corruption, the principle of diſſolution, conſequences the moſt fatal are juſtly to be apprehended, if reſtoratives congenial with the vital principle be not ſpeedily and abundantly thrown in.

A ſtate may be free, with or without a king; or with, or without nobles; but without *repreſentation* there is no liberty: without a cauſe, there is no effect. Does not the general reaſon of mankind bear teſtimony to this great truth? Does any man, in any country where reaſon is not in chains,—does any man in America,—does any man in France,—does any man in Holland, in Belgium, or in Italy, conceive any other idea of political liberty, than that it has no other cauſe than legiſlative repreſentation? When forming a conſtitution of free government, does not man univerſally fly to repreſentation, as neceſſarily as the ſparks fly upwards, or as unſuſpended matter muſt, by its gravitation, deſcend?

And when this fundamental principle of civil government has taken ſuch extenſive and ſtrong poſſeſſion of the human mind, and is even now before our eyes ſo rapidly ameliorating the governments on the continent of Europe, after the original models of America, and of England, can there be Engliſhmen ſo infatuated, as to wiſh our own repreſentation might continue in a morbid, paralized ſtate, equivalent to non-exiſtence? Or to imagine a torrent, which, if the continental deſpotiſms do not turn it aſide by timely reform, muſt aſſuredly ſweep them from their foundations, can in this country be reſiſted by childiſh attempts at per-

* It was to eſtabliſh a power of taxing the people of America, in the houſe of commons of England (a power which includes all that deſpotiſm can deſire), that ſhe undertook the American war.

ſuading men to believe againſt their ſenſes; to act againſt their deareſt intereſts; and to ſurrender an inherent right, without which they are not *perſons*, but *things*; not men, but the cattle, or the ſwine of lordly proprietors!

Can there, at this day, be Engliſhmen ſo little informed as to the market price of a ſeat in parliament; ſo ignorant of thoſe ſeats being a ſtock in trade, or badges of the meaneſt ſervitude and proſtitution to unprincipled men; ſo unacquainted with the foul hiſtory of corruption; and ſo perverſely blind to that ruin of their country, which venality has nearly accompliſhed; as not to ſee, and to know, and to feel, the imperious neceſſity of reform? Can there, I ſay, in the year 1797, be Engliſhmen, pretending to have beſtowed on the ſubject one hour's ſerious conſideration, who can yet be ſuch ſtrangers to the principles and the object of our conſtitution;—ſo ſhort-ſighted to, or ſo regardleſs of, the horrid and fatal conſequences likely to reſult from ſtimulating corrupt authority to deny juſtice, and to reſiſt the united power of truth, rectitude, and the human intellect;—and ſo inſenſible alſo to the ſweet influences, and the ennobling character of liberty, as, in a ſolemn addreſs to parliament, to attempt to rivet the chains of their country, by the crude and aſtoniſhing declaration, of being "convinced that a *reform** "of our elections would ſubvert our conſtitution?" Gracious heaven! and from whom do we hear this language? From our countrymen? From the deſcendants of Saxons? O Alfred—divine immortal Alfred! Thou conſtellation of all virtues! Thou, in whoſe manly boſom glowed the love of liberty, ſteady, ardent, inextinguiſhable! Thou, whoſe recorded ſaying it was, that "Engliſhmen ought to be as free as their "own thoughts!" Godlike ſentiment! Thou who in an ignorant age, with matchleſs wiſdom—and who, on a throne, with matchleſs magnanimity, didſt penetrate the depths of political ſcience—ſeeing with angel-ken that *free parliaments*, *juries*, *organization*, and an *armed people*, are the true foundations of national freedom and ſecurity; and who, with thine own hands, didſt lay the deep foundations, and rear, to an admiring world, the glorious edifice!—O, be the remembrance of thee, and of thine inſtitutions, now preſent to the minds of Engliſhmen! Let *them* think as thou wouldſt now think! Let *them* act as thou wouldſt now act.

SECTION II.

OUR counter-petitioners muſt ſome how or other have been greatly deceived in their reſearches; they muſt ſurely have picked up the code of Frederick, or of Catharine, or ſome other exotic, and miſtaken it for the conſtitution of England. Their error is the more to be lamented, becauſe we know their profound attachment to that conſtitution, and how they would hug it to their boſoms, if they knew but where to find it—this we know from the aſſociations and ſubſcriptions they formerly entered into for its protection: and from their ſupport of a war which, on the word of a miniſter, they once fondly, though miſtakenly, believed to have been entered into for its preſervation. Although, doubtleſs, ſincere in their devotion, their Athenian-like altar ſeems to be inſcribed, TO THE UNKNOWN CONSTITUTION: that, therefore, which they ignorantly worſhip, let us declare unto them. And it is with the friendly and affectionate voice of a fellow citizen, I conjure them to reviſe an ill-conſidered declaration, which it pains me to read,

* TO REFORM. To change from worſe to better. *Johnſon's Dict.*

and from which I ſhould think they can extract no other pleaſure than what may ariſe from a candid renunciation of the error it contains.

The ſubjects of repreſentation and political liberty, having been ſo frequently and ſo largely diſcuſſed—the petition of March having ſo ſtrongly ſhewn the neceſſity of a ſubſtantial reform; and the riſing ſenſe of the nation pointing to that haven as the only one in which the almoſt foundering veſſel of the ſtate can ſeek her preſervation; it cannot be neceſſary that in reply to a naked opinion, unſupported by a ſingle argument, and at war with every principle of our conſtitution, I ſhould much enlarge. I would, however, obſerve, that a word has ſlipped into the declaration of the counter-petitioners, which, if I miſtake not, will ſerve us as a key for diſcovering their error, and tracing it up to its ſource. If in this conjecture I am right, that error will be the more excuſable; becauſe it will ſoon appear to have been occaſioned by a great defect in our ſyſtem of government, a defect in conſequence of which the whole land is deluged with error and deluſion.

I allude to the word, "*preſent*." By the phraſe, "our *preſent* conſti-"tution," it is plain the parties were bewildered; for they were, as they thought, diſtinguiſhing a preſent conſtitution, from one, or from many that were paſt. But who ever heard of *two* Engliſh conſtitutions? much leſs of twenty, or any greater number that have ſucceſſively exiſted? Here we have to lament, and a ſubject of moſt ſerious lamentation it is, that we have not a WRITTEN conſtitution, to which all, king, lords, and people; miniſters, military, and judges; but above all, to which our *repreſentatives* might at all times appeal. The want of ſuch a guide and limit to legiſlation, ſuch a demarcation to prerogative, ſuch a collection of beacons and landmarks, for ſhewing to every eye the extent of thoſe ſacred rights and liberties which are the gift of God and nature to man, and which legiſlators are forbidden to touch, have, as already expreſſed, deluged this land with error and deluſion; whence great, cruel, and unceaſing impoſitions are practiſed on the people. Hence it is that the moſt inſidious incroachments on liberty have paſſed into laws as its preſervatives; and the groſſeſt violations of the conſtitution have been enacted under pretence of ſupporting and defending it.

Here is the ſtorehouſe of thoſe crude opinions, differences, and diſtinctions, which unfortunately ſplit us into ſo many parties, to our mutual diſquiet, and our common ruin; and here the prolific ſource of civil diſcord, rebellions, and revolutions. Under the crafty management of factions, this inexhauſtible fund of deluſions is a Pandora's box of all political evils that can in turn afflict our nation; raiſing up and irritating party againſt party, unwittingly to be the ſcourge of each other; that a common intereſt may no where be found or felt; and that all may finally be ſubjugated.

And is not that very difference between petitioners and counter-petitioners, which has given riſe to this Appeal, a caſe in point? May we then decide it, like men who love our conſtitution more than controverſy; and who, having amongſt us a certain ſtore of conſtitutional knowledge, agree to bring it forth for the common good: that difference of opinion may be loſt in mutual agreement and confidence, and paſt oppoſition end in future union, for the preſervation of the laws and liberties of our country!

The petitioners ſay, 'Reform our repreſentation: for without that the ſtate cannot be ſaved.' 'No,' ſay their opponents, 'to reform the repreſentation will be to ſubvert the conſtitution.' Theſe are not ſhades of difference, but opinions as wide as the poles aſunder, and ſo long as

the two parties ſhall continue to *act* upon their preſent principles, *one of them*, how unintentionally ſoever, *muſt be doing the work of the greateſt enemy to that conſtitution.* It is this conſideration which ought to induce us to retrace our ſteps; to exert our reaſoning faculties; to liſten to each other with temper; and conſcientiouſly to correct our errors, as ſoon as conſtitutional doctrine, or fair argument, ſhall have made us ſenſible of them.

SECTION III.

I come now to ſpeak of the conſtitution itſelf. To know what it is, is the queſtion. According to the views of two oppoſite parties, the enemies and the friends of popular freedom, two modes of deſcribing the conſtitution have been in uſe. Without meaning to depreciate the knowledge of others, or to boaſt of my own (for God knows it lies in a narrow compaſs), it may be remarked, that in conſequence of theſe oppoſite modes of deſcription, and for want of the thing itſelf being in writing, the generality of Engliſhmen have very inaccurate and confuſed notions of the conſtitution; notwithſtanding their habit of appealing to it on all occaſions.

According to the firſt-mentioned of thoſe parties, by the conſtitution is meant, *the whole maſs of our inſtitutions, together with the whole body of our law, written and unwritten.* According to the other party, our conſtitution conſiſts, of *certain immemorial points of national agreement, and thoſe* PRINCIPLES *on which the ſecurity of our natural rights depends.* If the firſt were right, what a wretched lot would be ours! If the abridgement of our law, by *Vyner*, fill five and twenty volumes in folio or thereabouts, and occupied more than *half* a *century* of that laborious author's time *, ſuch a conſtitution muſt needs require nine times as many volumes to contain it at the leaſt. Miſerable is the condition, ſays *Beccaria* of that country, where the ſtudy of its law is a ſcience. What then would he ſay of *England*, if her legal ſcience, which finds employment for ſome thouſands of lawyers, made no more than a mere part of her conſtitution!

Such a deſcription of our conſtitution as this, perfectly well anſwers the end for which it is given. A conſtitution of which not the moſt learned man can know where to find all its parts, and of which not the moſt capacious underſtanding can embrace the whole, what ordinary man ſhall pretend to ſcan! Here then, is as wide a field for interpretation, and as complete a labyrinth for bewildering men's ſenſes, as the moſt ſubtle adverſary of freedom can wiſh for. Unfortunately, ſuch groſs ideas of our conſtitution have too much prevailed, and even our legiſlators themſelves have for the moſt part been as ill able as other men, to find their way through this maze of perplexity, or to guard us againſt the miſchievous effects of it. And it is obvious that, if ſuch were in reality our conſtitution, it would ever be completely at the mercy of the *legiſlature*, which is a ſoleciſm; for in caſe of corruption falling on that body, the rights and liberties of the nation might, on this abſurd ſuppoſition, be *conſtitutionally* ſubverted; and (to uſe a phraſe now much in favour), *our conſtitution as by law eſtabliſhed*, might, at the good pleaſure of our legiſlators, be *legally* ſubverted; and *law* itſelf

* *Blackſtone's Commentaries, I.* 27.

might give us a government as gloomy and tyrannical, as that which has just expired on the isles of the Adriatic.

Thus to confound the law and the constitution is to confound cause and effect: an error which has by no constitutional writer been so well pointed out and corrected, as by the earl of *Abingdon*. "In the great "machine of state," says he, "there are found three principal powers, "&c." "The first of these principal powers is the power of the PEO-"PLE; the second, the power of the CONSTITUTION; the third, the "power of the LAW. Now the power of the people is *first*, because, "without people, there could be neither constitution nor law. The "power of the constitution is *second*, for it is the immediate effect of this "first cause; and if the people and the constitution make the *first* and "the *second* power, there is no need to prove that the law is the *third* "power of the state. It follows in the order I have laid down. As "from the *people* then is derived the *constitution*, so from the *constitution* "is derived the *law*; the *constitution* and the *law* being, in a due course "of lineal consanguinity, the descendants of the people *."

Now, the most *conspicuous* of our *points of national agreement* is that by which our legislature took the form of king, lords, and commons; but the two points most *essential*, are our legislative *representation* and *trial by jury*. The first should secure to the people their share in the power of making their laws; the latter, the faithful administration of them. In the legislature, we behold the nation's grand *instrument*, for supporting and preserving its constitution; that instrument itself being one part thereof. Now, without dwelling upon the parts about which we have no difference, let us come at once to the house of commons.

Our business, then, is to know whether our house of commons be, or be not, at present, what our constitution requires; for on that must depend whether it need *reform*, or not. For want of great *points of national agreement* (by which I do not mean legislative statutes) sufficiently clear and decisive on this head, we must resort to *those* PRINCIPLES *on which the security of our natural rights depends*. And if, amongst those principles, we find such as directly apply to the case, and such at the same time as are to be found as fundamentals in our law books, and other high authorities, and constantly appealed to for deciding questions in our courts of law, and in parliament, we shall arrive at a satisfactory solution of the proposition before us.

But, before we proceed in this course, let us recollect, that one of the most striking facts which presents itself in the history of that house is this, that for ages past it has been *a subject of reform*, as may be seen in the statute book. Whether, indeed, on the occasions particularly alluded to, parliament adhered to or reversed Dr. *Johnson*'s definition of reform, will be seen in its place. "To REFORM," says he, "is to change from worse to better." If, then, it be fact, that *changes* have been made, we are not without our precedents; and if it shall moreover turn out, that, instead of *changing from worse to better*, we changed from *better to worse*, our ground will then be strong indeed. If our neighbours object to tampering, in the way of reform, with any thing so sacred as our house of representatives, in any way that shall *tend to subvert the constitution*, they must, on their own principles, be the first to approve of *doing away* whatever others may already have done, which shall be demonstrated to have that *direct and unavoidable tendency*.

* *Thoughts on the Letter of Edm. Burke, Esq. to the Sheriff of Bristol, p.* 22.

As all the proofs I can find on this ſubject, go uniformly to eſtabliſh in my mind a creed the very contrary to that profeſſed by our counter-petitioners, I confeſs I have ſome curioſity to know the evidence on which ſtands their "conviction," that to reform the houſe of commons in the way propoſed would be to ſubvert the conſtitution. If they believe, becauſe *they are told ſo*, (for it is ſaid "faith cometh by hearing,") then indeed I can underſtand the *nature* of their creed; ſince "faith is the evidence of things *not ſeen*." I would, however, recommend to them, to be a little more circumſpect in future, on what, as well as on whom, they pin their faith; for, in politics as well as in religion, we have our "falſe apoſtles deceitful workers," and it is manifeſt their preſent creed is not taken from *the apoſtle of liberty* *.

It being already proved that the *law* and the *conſtitution* are not the ſame, nay, that they are eſſentially and neceſſarily diſtinct, it will need no freſh proof, that what may be at this time *law*, reſpecting our repreſentation and our elections, cannot decide the point at iſſue; for our diſpute is not about the *law*, but the *conſtitution*. That ſtatutes are liable to be extremely *imperfect* is our every-day's experience. That they may alſo be *oppreſſive* every man knows: and that they may be UNCONSTITUTIONAL is equally certain. Of the frequency of the *firſt ſort* of laws, the perpetual introduction of ſtatutes, for explaining and amending other ſtatutes, are pregnant proofs: That the *ſecond ſort* have exiſted, is it not written in the blood of the proteſtants who expired in the flames, lighted by order of the odious Mary? With regard to laws of the *third claſs*, it ſhall be my buſineſs to produce them, and to appeal to you on their merits. But of *unconſtitutional* law, we have, at one time or other, had abundance, that never was to be found in the *ſtatute book*. Of this we had a diſgraceful inſtance, in the caſe of libel, long ſupported by the jeſuits and the great *Belial* of the long robe, until the queſtion was ſet at reſt, by the eloquence of an *Erſkine*, a *Fox*, and a *Camden*, and by the *conſtitutional* ſtatute their manly exertions beſtowed upon their country.

But that, at certain periods, *unconſtitutional* law, like an overwhelming inundation on the face of the land, has, as it were, blotted out all traces of liberty, take the evidence of *Blackſtone*. In the later years of Henry VIII. "the royal prerogative was ſtrained to a very tyrannical and oppreſſive height; and, what was the worſt circumſtance, *its encroachments* "*were eſtabliſhed by* LAW †,"—— its encroachments were eſtabliſhed by LAW!!!—— "under the ſanction of thoſe puſillanimous parliaments, "one of which to its eternal diſgrace paſſed a ſtatute, whereby it was "enacted that the king's proclamations ſhould have the force of acts "of parliament; and others concurred in the creation of that *amazing* "*heap of wild and new fangled treaſons*, which were ſlightly touched upon "in a former chapter ‡". In the chapter referred to, the learned judge has enumerated no leſs than NINETEEN, and then adds, "all "which new fangled treaſons were totally abrogated by the ſtatute of "1 Mar. c. i. which once more reduced all treaſons to the ſtandard of "the ſtatute of 25 Edw. III §."

Having thus cleared our ground, we return to the main queſtion; *whether our houſe of commons be, or be not, at preſent, what our conſtitution requires*. That conſtitutional propoſition, and great *point of national agreement*, whereby it is ſettled, that our legiſlature ſhall conſiſt of king, lords, and commons, is ſo clear, no man looks into a book to ſeek it;

* The appellation beſtowed on the late Rev. Dr. Price, author of the excellent *Obſervations on Civil Liberty*. † *Commentaries, IV.* 431. ‡ *IV.* 431. § *IV.* 86.

but he who wants to know what our conſtitution calls a *king*, or a *lord*; and what it is that in England has contrived to make royalty and hereditary nobility component parts of a *free* government, and ſecurities to national liberty, while in all other countries where they are found, they are proofs of tyranny and the bane of freedom, inſomuch that the very appellations are ſynonimous with arbitrary power;—he, I ſay, who wants this explained to him (for it certainly does not lie on the ſurface), muſt carefully peruſe the beſt delineations of our conſtitution, and *keep perpetually in his eye the principles of civil liberty on which it is founded*. So alſo muſt he do, when he would correctly know what, and whom, our conſtitution calls *the commons*.

Here, however, had it not been for perverſe and intereſted ingenuity, and for a chain of falſe reaſoning founded on *unconſtitutional* ſtatutes, there could not be cauſe for a moment's heſitation. Keep but your eye on the *principles* of your conſtitution, and place but a manly reliance on your own common ſenſe, and all doubt, like a morning vapour drank up by the thirſty beams of the ſun, will inſtantly vaniſh. Can there be a ſimpler queſtion, than, *who are the commons of England?* Is it poſſible that it can receive any more than one direct anſwer? And will any honeſt and prudent enquirer give to *himſelf* an *indirect* one? Or will any ſound-minded man ſuffer the chimeras of any other man's brain to deter him from acquieſcing on a queſtion ſo plain, in the ſober deciſions of his own underſtanding?

But, for fear of the worſt, I mean gravely to prove to you, from *Blackſtone* and other learned authorities, that the King is not a commoner;—that lords are not commons, that you yourſelves (to prevent all miſtakes) are neither kings nor lords; and finally, that *the commons of England* are verily no other than ALL THE PEOPLE—the whole nation—high and low, rich and poor—his Majeſty and the lords of parliament only excepted.

After all this labour, the thing I know will not be one whit clearer than it muſt now be to unperverted reaſon; and therefore I ſhould ſave myſelf the trouble, if, after the ſpecimen we have had of new-faſhioned "convictions," reliance could be had on men truſting to their own ſenſes.

But, for giving a truly conſtitutional idea of a Houſe of Commons, there is a collateral proof of great conſequence to be drawn from the fundamental principle of *criminal law*; and here legal authority muſt be called to our aid. It ſhall be that of *Blackſtone*; who ſays, "The temporal magiſtrate is empowered to inflict coercive penalties: and this "by the conſent of individuals; who, in *forming ſocieties*, did either "tacitly or expreſsly inveſt the ſovereign power with a right of making "laws, &c."——"The *lawfulneſs* therefore of puniſhing ſuch criminals is founded upon this principle, that *the law by which they ſuffer*, "WAS MADE BY THEIR OWN CONSENT*." In another place, he ſays, "A ſtatute is placed among the records of the kingdom; there "needing no formal promulgation to give it the force of law, as was "neceſſary by the civil law with regard to the emperor's edicts: becauſe "EVERY MAN IN ENGLAND is in judgment of law party to the "making of an act of parliament, being *preſent thereat by his repreſentatives* †." Such is this judge's doctrine while delivering his genuine ſentiments agreeably to *the true principles of law*, without conſtraint or bias: but where he expreſsly treats of *parliament*, and is thereby put upon his guard not to offend—for who, that talks of parliament having "abſolute deſpotic power in theſe kingdoms ‡," muſt not approach

* *Commentaries, IV.* 8. † *I.* 185. ‡ *I.* 160.

ſuch a power with fear and trembling? There, I grant, he has his reſerves, that he is evidently overawed and embarraſſed, and that his language, as we ſhall ſhortly ſee, is at variance with his own underſtanding.

Did this learned judge, after condemning to death any criminal, *who had no vote for electing a repreſentative*, ever tell ſuch a perſon, that "*the law by which he ſuffered was made* (or even upheld) *by his own conſent?*" For the ſake of the Engliſh law, for the credit of human nature, I hope not. To put men to death upon law fictions, or "to bind them in all caſes whatſoever" by conſtitutional fictions, is a violation of principle, to which, as it ſhould ſeem to me, no unperverted mind can ſubſcribe. I hope our counter-petitioners will take care to free themſelves from being implicated as favourers of ſuch doctrines. There is but one ſole principle on which men can be rendered equitably and completely amenable to *the law* of the ſociety of which they are members, that of being parties, either perſonally or by deputy, to the framing and upholding in continuance *that law*. Where the power of exerciſing this right is wanting, no political liberty can exiſt. The thing is a natural impoſſibility. Political liberty, without this power, is as complete a contradiction, as phyſical liberty without a power of ſtirring our limbs. Whatever is ſhort of political liberty, is not *liberty*, but mere legal protection *; for the whole of *virtual* repreſentation, of which ſome men talk as ignorantly as others do of the conſtitution, is merely this; that it extends to the *minority*, in any election, and alſo to *thoſe electors who give no vote at all*; becauſe they are all *members* of that *body* which is to be repreſented †.

Now, what Blackſtone ſays while diſcourſing on parliament, is this; "The commons conſiſt of all ſuch men *of any property* in the king-"dom, as have not ſeats in the houſe of lords; every one of which "has a voice in parliament, either perſonally or by repreſentatives ‡." While treating on the moſt eſſential point of our *conſtitution*—on the very hinge on which turns the political liberty of our nation, ſuch is the vagueneſs of his expreſſion, ſuch his looſe, defective, unintelligible *deſcription* of the commons! But when you find the learned author in his element of *law*, then you come at legal, accurate *definition*. Here he informs us, "That the commonalty, like the nobility, are divided "into ſeveral degrees; and as the lords, though different in rank, "yet all of them are peers in reſpect of nobility; ſo the commoners, "though ſome are greatly ſuperior to others, yet all are in law peers, "(equals) in reſpect to their want of nobility §:" And in ſupport of this definition he refers to *Lord Coke*.

* This obſervation is ſubmitted to the conſideration of my learned and able friend, the author of Lectures on Political Principles, who has taken ſome pains, to diſtinguiſh between *political* and *civil* liberty; a diſtinction which perhaps he will not, on reflection, find to be ſufficiently obvious and ſafe. What he calls *civil liberty*, I call *legal protection*. The proper inhabitant of a city or community, who, as ſuch, ſhares in its political liberty, is the only one who, in my eſtimation, is entitled to the name of *citizen*. The native, or naturalized inhabitant, who does *not* ſhare in its political liberty, is properly a *ſubject*. In looſe converſation we ſpeak of a *ſubject*, or even a *ſojourner* in a *free* country, being himſelf *free*; but accuracy of diſtinction will ſhew, that he is only *protected*. Protection either of a *ſubject*, a *ſojourner*, or a *ſlave*, may be complete, and even extend to the greateſt indulgence and benefits; but there is an eternal difference between having an equal vote with fellow-citizens in making the laws, and in being ſubject to laws made by men whom other perſons, by their votes, have placed over us. In the former caſe, we are citizens and have *political or civil liberty*: in the latter, we can have no more than *legal protection*. A nation under a wiſe and virtuous prince, governing by deſpotic power, may have good laws and be protected in the higheſt poſſible degree, and all its ſubjects enjoy *legal protection* the moſt complete; but it would be an abuſe of words to call ſuch a nation *free*.

† *People's Barrier*, 5, 21. ‡ *Commentaries*, I. 158. § I. 403.

But ſtill farther to prove his firſt mentioned deſcription of the democratic part of our conſtitution a lame one, and that in the very moment of utterance it was rejected by his own ſtrong underſtanding, his very next words, after the intervention of a ſingle obſervation, are theſe: "And this power (of making laws) when the territories of a ſtate are "ſmall and its citizens eaſily known, ſhould be exerciſed by the people "in their aggregate or collective capacity, as was *wiſely* ordained in the "petty republics of Greece, and the firſt rudiments of the Roman "ſtate *." If univerſal *legiſlation* could in any caſe be *wiſdom*, ſurely univerſal *ſuffrage* cannot be ſo *fooliſh* a thing as ſome would repreſent!

Our cavillers at perſonal repreſentation tell us we prove too much, and that on our ſyſtem, women, and children, and babes, muſt be amongſt our electors. We ſay not. As this is not the place for enlarging on the objection, which has been very ſufficiently anſwered †, I ſhall now only ſay ſhortly, that infants cannot ſucceed to any *perſonal* rights till capable of *exerciſing* them; and that women being by nature unable to qualify for and to perform various labours of magiſtracy and office in civil government, and of ſerving as the military defenders of their country, which are equally duties appertaining to *dominion*, and neceſſary to the preſervation of *political liberty*, their right to the latter falls to the ground; and they muſt content themſelves with *legal protection*; which they will moſt experience, where man has moſt political freedom. As *legal protection*, where fully enjoyed, comes ſo near in its effects to political liberty, as by the generality of mankind, even of the learned, not to have been diſtinguiſhed from it, and as NATURE has not only placed the weaker under the *protection* of the ſtronger ſex, but has ſo formed man, that to afford this protection muſt ever conſtitute an eſſential part of his own happineſs, we truſt that more need not here be ſaid on this ſubject.

I well know, that the principle of perſonal repreſentation ſtops not ſhort of *univerſal ſuffrage*, at which ſome feel, and others affect, ſo much alarm. What then! if the principle be true, it is of God and nature, and cannot be overthrown. If it be of men, let reaſon operate, and it will come to nought. How other men's reaſon may be affected, I know not; but mine cannot reſiſt the principles, that "Law to bind all muſt be aſſented to by all ‡," and that "No man ſhall be bound by a law but thoſe who aſſent ‡." Theſe I find in our books laid down and appealed to, as principles of the Law of England; where I alſo find, that "impious and cruel is he to be eſteemed, who favours not liberty §."

I might not have touched on the immoveable foundations on which the rights of univerſal ſuffrage reſt, had not the mention of it been very unneceſſarily, or elſe by way of bugbear, lugged into the counter petition. In propoſing the original petition, every thing leading to it had been carefully avoided; but it is amongſt the conſtant indiſcretions of thoſe who oppoſe reform, to drive its advocates to the alternative, of either abandoning the principles on which *any* reform can be claimed of *right*, or of ſpreading the doctrine of univerſal ſuffrage, by the neceſſity of vindicating the true principles of repreſentation.

All this is far from maintaining, that a ſtate cannot enjoy the ſubſtantial benefits of freedom, without univerſal ſuffrage: and when I put my hand to a petition, praying for an extenſion of ſuffrage to all houſe-

* *Commentaries, I.* 403. † *Legiſlative Rights of the Commonalty vindicated,* 45.
‡ *Prin. Leg. et Eq.* 56. § *Coke upon Littleton,* 124.

holders, it is becauſe I perſuade myſelf that ſuch an extenſion might furniſh a repreſentation ſufficiently ſubſtantial for national ſecurity, and for producing great national happineſs; by means of great political and moral improvement.

It certainly is not becauſe I have ſome acres of land, — or becauſe I might have been born in one borough, — or have boiled a pot in another,—or had been apprenticed to a blackſmith in a third, — or in a fourth had married the daughter of a fiſherman, — or on any ſuch nonſenſical pretenſion, I have a right to vote in the choice of repreſentatives. No: It is becauſe I am a MAN: It is becauſe I am to be amenable to the law of my country; and on that law to depend for property, for liberty, for life, for character; in ſhort for happineſs or miſery. God, who made me a man, made me conſcious of a right to purſue my own happineſs by all moral means; conſcious of a right to liberty, *without which thoſe means are denied me*; conſcious, therefore, of a right to repreſentation, without which I have not liberty; and conſcious that no other human being can have a right to dominion over the community of which I am a member, without that community's conſent. It is on theſe grounds I ſtand, to vindicate the rights of my country, and of the humbleſt and leaſt opulent of my countrymen; and well I know thoſe rights may equally diſregard the petulance of cavil, and the ſubtleties of ſmooth-tongued ſophiſtry: but I am not ſo certain that they will not fall before either *venality* or the *ſword*. Should the former of theſe mighty powers prove inſufficient to repreſs the exertions and ſilence the voice of reform, who will undertake to ſay a barrack-building miniſter, who has aſſerted *a right in the crown to land in this country, and without conſent of parliament, any number whatever of foreign mercenaries*, would ſcruple to uſe the other, provided influence or infatuation could raiſe up counter-petitioners enow to flatter him with a hope that the people were ſufficiently divided, to afford him a proſpect of ſucceſs *!

That counter-petitions ſhould not expreſs the ſentiments of any deſcription of perſons, I mean not to maintain; but when in times like theſe, all men are called on to rally round the conſtitution, and to vindicate its principles, it ſurely is impoſed on them as a political and a moral duty of no ſmall weight, to aſcertain what thoſe principles really are, before they decide for or againſt any public meaſure of high importance. The language of the counter-petition of May appears to me, and I am perſuaded it muſt now appear to my reader, unconſtitutional in the extreme, and dangerous in the higheſt degree. Were it to be backed by ſufficient numbers, not a remnant, not a veſtige of Engliſh liberty could long be traceable in this miſerable land! If our friends and neighbours who, by their ſignatures, have made that language their own, ſhall upon due inquiry find their *evidence* to fail them, and upon mature reflection ſhall perceive their haſtily-adopted *faith* to be the very popery of politics, I truſt they will have the manlineſs to ſhake it off, and, by declarations of a more Engliſh caſt, to manifeſt at once their knowledge, and their love, of the Engliſh conſtitution!

* In 1685, a member was ſent to the tower, for ſuggeſting that an anſwer from the throne contained "high words to fright the members out of their duty:" And in 1717, another was committed, for ſaying a part of the ſpeech from the throne "ſeemed rather "to be calculated for the meridian of Germany than Great Britain, and that the king "was a ſtranger to our language and conſtitution."

If ſuch were cauſes of commitment to the tower, whither ought the member to have been ſent, who dared to inſult the conſtitution, the parliament, and the people, by the audacious language I have quoted?

SECTION IV.

AGREEABLY to lord *Abingdon's* clear diſtinction between our *conſtitution* and the body of our *law*, and to what has been already ſaid, reſpecting the unfortunate circumſtance of the conſtitution and the law of this country being blended together in no ſmall confuſion, it will be ſeen that, after collecting from this mixed maſs all thoſe parts of our conſtitution about which there is no diſpute, we cannot advance a ſingle ſtep farther, except only by means of the light and aſſiſtance to be derived from the *principles* and *maxims* ſtored up in our books of authority, and againſt which, no man pretending to a knowledge of our law or conſtitution ſets up an opinion; for "principles are the proof of every "thing; but are not ſuſceptible of external proof;" and a maxim is "an axiom—a general principle—a leading truth." Our conſtitution, like our common law, being *unwritten*, can only be thus collected. And thus is law itſelf aſcertained when doubts ariſe. "And hence it is that our "lawyers are with juſtice ſo copious in their encomiums on the *reaſon* "of the common law, that they tell us, that the law is the perfection "of reaſon, that it always intends to conform thereto, and that what is "not reaſon is not law *." If this be true of the ſtream, it muſt be true of the fountain; if the right way of aſcertaining *law*, it muſt be the rule alſo for aſcertaining the *conſtitution*.

But cannot parliament, if *Blackſtone* be right, by its "abſolute deſpotic authority in theſe kingdoms," either leſs, or more, or altogether at its good pleaſure, aboliſh the elective franchiſe, or even change the conſtitution? No: no ſuch thing. It is againſt principles; and parliament has no ſuch odious power. The very exiſtence of parliament itſelf is only a part of the conſtitution; and the firſt and the higheſt *truſt* repoſed by the people in that body, is to preſerve the conſtitution. Beſides, parliament only operates by its *laws*; and to talk of a *law* making or altering a *conſtitution*, is as abſurd as to talk of a deſcendant begetting his own progenitor †. But, from the nature of the *truſt*, it is evident the power of parliament is ſtrictly limited and confined to the making of ſuch laws only, as ſhall be in conformity *with* the conſtitution; for otherwiſe the people could have no ſecurity for their liberties, if ever parliament were in a condition, and diſpoſed, to violate them ‡.

"Againſt the law of reaſon, or againſt juſtice, there is no preſcription, "or oppoſed STATUTE or cuſtom; and if any ſuch be made, they be not "ſtatutes, or cuſtoms, but CORRUPTIONS §."

But cannot parliament take away part of our civil liberty for the better preſervation of the remainder? No: not an iota of *liberty* can parliament touch. "Liberty is planted by God in the very *nature* of man ||." "Laws incompatible with the conſtitution are in themſelves void ¶." "What the parliament doth ſhall be holden for nought, whenſoever it ſhall enact that which is contrary to the *rights of nature*, or the principles of the conſtitution **."

Almoſt all that has been written (and there has been much written) on the notion of its being neceſſary, when we enter into ſociety, to *give up*

* *Blackſtone's Commentaries, I.* 70.

† Keep in mind Lord *Abingdon's* "lineal conſanguinity." See p. 13.

‡ We have already ſeen, p. 14, 15, what a parliament did under *Henry the eighth*. What parliaments hereafter may be capable of doing under a *Pitt*, can only be matter of conjecture.

§ *Doct. et Stud. c.* 2. *p.* 5 & 6.

|| *Forteſcue de Laud. Leg. Aug.* 41. ¶ *Elem. Univ. Law*, 291.

** *Sharp's Decl. of the Peop. Ri.* 236. *and Ld. Coke, preame to* 2*nd. Inſt.*

a part of our liberty, in order the better to secure the remainder; as well as all that has been said respecting a right in parliament to *take away* a part of that liberty for the same purpose; appears to me founded in gross error; and to have originated in not having clearly seen the distinction between political liberty and legal protection, pointed out in page 16. Civil or political liberty, properly so called, is to a *nation* what physical liberty is to a *man* in a state of solitude; it consists in the power of *self-government*; or, in other words, in the power of making its own laws; whether it be done "by the people in their aggregate or collective capacity," or by means of a fair, free, and substantial representation. If, then, a nation or people be in *full* possession of this right, or of this power of *self-government*, then is the political liberty of that people *complete*, and *absolutely perfect*; and, in the words of the divine *Alfred*, they "are as free as their own thoughts."

Can a NATION thus circumstanced be said to have *given up or parted* with *any* of its liberty? No: And when we consider liberty as the *means* of happiness, and compare the degree and nature of the happiness open to a MAN in political and polished society, with what is within his reach in the solitary wilderness, can it be doubted, that either in respect of quantity or quality, he is infinitely a gainer, by having improved solitary into political liberty? It can only be owing to inaccuracy of thought, and to the poverty of language, when such phrases as *giving up* or *parting with*, liberty, signifying *compromise*, are applied to express such an improvement in a man's condition, in which there is *no* compromise, but pure and *natural* election. The *natural* liberty of a social being is in *society*: and if confined, like *Selkirk*, to the solitary desart, with brutes only for his companions, would it not be strange, his embracing the opportunity of flying to the society of his own species should be described as a *compromise*, in which he *gave up*, or *parted with*, the society of his goats? And is it not as strange that, in an age of light and reason, nations should accept of such compromising nonsense, as apologies for incroachments on their liberties *!

Abridgments of *legal protection* naturally flowing from a *loss* of political liberty, they are generally confounded together, but are in truth different, and ought to be distinguished. Using the word *liberty* in its general and popular sense, we say, and we say truly, that *legal protection* is amongst our rights and *liberties*: but we are now treating abstractedly on the principles of government, which imposes on us a necessity of restricting our words to determinate meanings, with care and precision. We then affirm, that it will *not* be by the evidence of any act, suspending the law of habeas corpus; nor of any act, to harass, and vex, and degrade the people, respecting public meetings; nor any act, to create "new-fangled treasons;" nor indeed by the evidence of any other act, for the mere *abridgment* of legal protection, that we can bring *direct proof* of our political liberty having been invaded; for the legislature of a country under *self-government* might possibly do foolish or improper things: or, as a free man, for good cause, might for a while deny himself food, or rest, or treat himself with other severities; so a *self-governed* nation, in a case of extraordinary and temporary urgency, might perhaps even wisely abridge the legal protection of its citizens †.

Laws, indeed, which unnecessarily, or wantonly, or with circumstances

* About a year and a half ago we heard a good deal of it in England.

† As the military part of the constitution is developed in a future part of this work, where it will be seen how, at all times, and under all circumstances, the security and tranquillity of the state is perfectly provided for; we now say that to abridge the legal protection of the citizen never can be right, because it never can be necessary.

of oppreſſion or cruelty, abridge legal protection, will of courſe be ſtrong collateral evidence, and fit circumſtances, from whence we may collect and infer, with leſs or with more certainty, that political liberty has indeed been invaded, and the legiſlature thereby encouraged to enact ſuch laws; but ſtill, the *direct proof* of ſuch an invaſion of liberty having been actually effected, can only ariſe from the evidence which aſcertains what is the then actual ſtate of legiſlative repreſentation in the country under conſideration. *Such as we find to be the ſtate of repreſentation, ſuch alſo muſt be the condition of political liberty.* Whatever be the preciſe degree in which the people ſhall poſſeſs the means of freely and independently electing the repreſentative body, and of renewing it at their pleaſure, in the ſame preciſe degree and proportion, and in no other, can that people enjoy political liberty, properly ſo called.

Well might repreſentation be ſtyled "the happieſt diſcovery of political wiſdom," ſince it not only gives liberty with all its bleſſings; but, in caſe of violations and abridgments, it alſo enables a people to know by means the moſt ſimple and the moſt certain, preciſely *how much of their liberty is loſt*; and thus it is calculated to ſecure modern ſtates, eſpecially all new ones, from ſuch contentions, ſtruggles, and convulſions, as in the end deſtroyed all the ancient republics, which, for want of this "happieſt diſcovery of political wiſdom," were never long free from ſtorms, and which, wanting the compaſs we enjoy, knew not, when the ſtorm ran high, how to ſteer for recovering the port of political tranquillity. How infinitely, then, do modern invaders of public liberty ſurpaſs in criminality thoſe of ancient times! the ancient ſinned, probably, *without* knowledge: the modern ſins *againſt* knowledge. The ancient ſinned, perhaps, from a proud conſciouſneſs of ſuperior virtue: but conſcious baſeneſs and treachery muſt attend the modern, ſinning againſt the *aſcertained* principles of freedom, and the *demonſtrated* conſtitution of his country.

As already intimated, temporary caſes of ſuch extreme peril to the conſtitution, of ſuch paramount neceſſity for diſcretionary and unuſual powers, may, doubtleſs, although not without difficulty, be imagined, wherein it might be right for the legiſlature, to put, at the diſcretion of the executive magiſtrate to a degree extending to ſafe cuſtody, the legal protection of individuals;—which caſe of peril, however, in a healthful ſtate of conſtitutional repreſentation, is not likely to occur; but no caſe can be conceived in which it can be right, under any pretence whatſoever, for the *legiſlature* to *aſſume* to itſelf the power of CHANGING the conſtitution in one iota. Better to let all its functions ſleep, and ſilently to permit the *magiſtrate*, rouſed by the unforeſeen peril, to *aſſume* the arbitrary diſcretion neceſſary for ſaving the ſtate, but for the exerciſe of which *he muſt afterwards come to the legiſlature for his indemnity.*

All miſchief ariſing from *his* aſſumings are thus eaſily rectified; the *precedent* impairs not the energies of the conſtitution itſelf; and therefore cannot become the parent of *new aſſumptions* of greater magnitude and extent than the firſt; whereas the very firſt *ſucceſsful aſſumption* of power in a *legiſlature*, to change a fundamental of the conſtitution, is, according to all true theory, its actual overthrow. From that inſtant, it is no longer what it was: inſtead of a conſtitution emanating from a people, and preſcribed *to* a legiſlature as the rule of its conduct, it is a conſtitution, or rather an arbitrary government, preſcribed *by* a legiſlature to a people:—a monſter of unnatural birth: a creature conceived in tranſgreſſion, and generating corruption.

The legiſlature being the maker of *law*, all that relates to *legal pro-*

tection is within its province; and so long as representation is substantial, and liberty consequently safe, we know a legislature will not betray its trust: but the legislature NOT being the maker of the constitution, which was made by those who made itself, and who made this *legislative instrument* of theirs a part of their constitution, this constitution must necessarily be wholly out of its power and jurisdiction. For a legislature to remove one stone from the fabric of a constitution were direct sacrilege; for sacred is this depository of the natural rights and liberties of a people, from the touch of any hand but their own. Nay, it is the first and principal object of a constitution, it is of its character and essence, to be *a law to the legislature;* a law which may no more be transgressed by that body, than the statutes enacted by itself may be transgressed by the people.

Lord *Abingdon*, writing, not as a lawyer, but as a politician, goes so far as to say, "Obedience is due to the laws, when founded on the con-"stitution: but when they are subversive of the constitution, then dis-"obedience instead of obedience is due, and resistance becomes the law "of the land *." But in all ordinary cases, and even as long as there is left any law that will afford a remedy, judicious and moral men will seek redress of grievances, occasioned even by "laws subversive of the constitution" in the peaceful way of *petition*, and by means of reason and argument. Knowing it to be an acknowledged principle of our law, that "equity suffers not right to be without a remedy †;" knowing how prevalent is the force of truth towards forming the public opinion; and the weight which decided public opinion must have with the legislature; they think not of resistance but in the last extremity; and probably there are few of that description who would not defer the last appeal, even beyond the period prescribed by *Blackstone*, to the patience of an injured people. That appeal, says he, is "necessary when "the contracts of society ‡ are *in danger* of dissolution, and the law "proves too weak a defence against the violence of fraud and op-"pression §."

He tells us, also, "The people heard with astonishment doctrines "preached from the *throne* and the *pulpit*, subversive of liberty and pro-"perty, and all the natural rights of humanity. They examined into "the divinity of this claim, and found it weakly and fallaciously support-"ed: and common reason assured them that, if it were of human origin, *no* "*constitution* could establish it without power of revocation, no precedent "could sanctify, no length of time could confirm it. The leaders felt "the pulse of the nation, and found that they had ability as well as in-"clination to resist it, and accordingly resisted and opposed it, when-"ever the pusillanimous temper of the reigning monarch (*James* I.) "had courage to put it to the trial ||." And he also observes, that when James II. "attempted to enslave the nation, he found it was beyond his "power: the people both could and did resist him; and in consequence "of such resistance, obliged him to quit his enterprise and his throne "together ¶."

Here, then, we find the bold language of the animated earl, delivered with all the manly martial frankness of an ancient baron, fully justified by the well-weighed arguments of the legal sage. And when we discover, in the celebrated Commentaries, great depth of erudition, united

* *Thoughts, p.* 17. † *Prin. Leg et. Eq.* 28.

‡ In this and a variety of other passages, this learned author will be found to confirm the definition I have given (p. 13) of the English constitution.

§ *Commentaries, I.* 251. || *IV.* 436. ¶ *IV.* 440.

with ſtrong ſenſe and eloquence, and when we obſerve our author, while fulfilling the intellectual duties of a Commentator, at the ſame time feeling as a man, for "the natural rights of humanity," and ſo frequently doing *incidental* juſtice to our *conſtitution*, it is ſeriouſly to be lamented, as a national misfortune, that he had not originally put to himſelf theſe two queſtions—1ſt. What *is* the Engliſh *conſtitution?*—and 2ndly. Ought I not to diſtinguiſh between our conſtitution and our ſyſtem of laws? But in whom ſhall we find perfection? To what individual is it given, to bring to light the whole riches of any ſcience? and perhaps it is amongſt the wiſe diſpenſations of providence, that even in the moſt enlightened nations the march of truth ſhall be difficult and ſlow. So little had it occurred to *Blackſtone* to form an idea of our conſtitution as any thing diſtinct from our law, that, in the index to his four volumes, the word *conſtitution* does not ſo much as hold a place *: and it will be ſeen by any attentive reader that the want of this diſcriminating idea betrays him into frequent inconſiſtencies. Whenever he reaſons as a man, from the feelings of the heart and a ſound underſtanding, his language is *conſtitutional;* but when, on conſtitutional points, he argues as the mere *lawyer*, from the contents of the ſtatute-book, or from the *practice* of parliament, he is frequently confuſed, and ſometimes inconſiſtent and contradictory. But certain it is, that lord *Abingdon's* geneology of *law* is a key to the principal difficulties to be found in the Commentaries, and by its application, the moſt material inconſiſtencies of that noble, but imperfect work, are to be reconciled.

Blackſtone, as a lawyer, applied to the ſtudy and practice of *law*; as profeſſor of the ſcience at Oxford, his commentaries were his original *lectures to law ſtudents*, in order to explain to them, not what our laws or ſtatutes ought to be, to be conſtitutional; but what they were, and how a lawyer in his practice was obliged to conſider and apply them.

But, in anſwer to theſe obſervations, it may be remarked, that the Commentaries are lectures to legiſlators as well as to lawyers, as may be ſeen in the *Introduction*, where the author addreſſes himſelf to our noblemen and gentlemen of fortune, and quotes *Cicero*, as ſaying "It is neceſſary for a ſenator to be thoroughly acquainted with the conſtitution." I ſhall only reply that *Introductions* to books, like prefaces, are written *laſt*; as I muſt ſuppoſe his to have been: for otherwiſe the reaſoning therein ought to have prevented ſome of the defects of the work; although the main drift of that reaſoning is evidently to recommend to gentlemen to ſtudy *the laws* of their country. Beſides thus accounting for the omiſſion I deplore, we muſt remember that when *Blackſtone* wrote, the attention of mankind had not been called up to the eſſential and eternal diſtinction between laws and conſtitutions, by the grand event on the theatre of *America*; where a people not "tacitly," but "expreſsly" drew up a conſtitution to be *a law to the legiſlature*, and to prevent the confuſion, and the infinity of ill conſequences reſulting from a conſtitution being *undefined*. Neither had lord *Abingdon*, nor other able men who have written on the ſubject, at that time thrown light upon it.

For want of having himſelf made the diſcovery, and thereby poſſeſſed himſelf of the rich mine of truth to which it would have led him; and at the ſame time not being uninfluenced by the authority of both legiſlative and legal *practice*, unqueſtioned in our courts and in parliament, becauſe of the very ignorance we are now lamenting, *Blackſtone*, as I ſhall now, fails in ſome caſes of the higheſt importance, to diſtinguiſh between *conſtitutional* and *un*-conſtitutional law. But no man can attentively read

* See the editions publiſhed by *himſelf*.

the Commentaries, without being convinced, that '*Our conſtitution conſiſts of certain immemorial points of national agreement, and thoſe* PRINCIPLES on which the ſecurity of our *natural rights* depends.' All the quotations I have had occaſion to make from that work, are proofs of this truth; but they are few in compariſon of what might have been made. And hence, I truſt, we ſhall be able to diſcover, *whether our houſe of commons be, or be not, at preſent, what our conſtitution requires.*

SECTION V.

OUR conſtitution being intended as the armour of our natural rights and liberties, it ought to ſhield us from all political wrongs, come they from what quarter they may; and, where there is *moſt power to oppreſs*, it ought to be *moſt powerful to protect*. In all periods prior to the revolution, by the nation in general it was ignorantly imagined, our greateſt danger lay in the *crown*, and the nation acted accordingly. In the infancy of political ſcience, it was only for ſuch minds as a *Burleigh's* or a *Monteſquieu's*, to diſcern that "England could never be ruined but by a *parliament* *." Behold then the intrinſic, inherent excellence of our conſtitution, which, if we would be true to it, would effectually ſecure us againſt this moſt formidable of all dangers!

The moſt eſſential of the three branches of parliament, and that which holds in its graſp the public purſe, *the nerve of its power*, ought to emanate fairly, freely, and ſubſtantially, from the people, and be renewable at their pleaſure. Here alone is the balance againſt that power over us, which our lawyer, miſled by its *greatneſs*, erroneouſly calls an "abſolute deſpotic authority in theſe kingdoms:" and which with equal inaccuracy he deſcribes as "ſo tranſcendant and abſolute, that it "cannot be confined, either for CAUSES or perſons, *within any bounds* †."

That the authority of parliament extends over all *perſons*, we ſhould be blind not to ſee; but that it extends over all *cauſes*, nothing but a blindneſs to the diſtinction between our law and our *conſtitution* can make us admit; for over the *conſtitution* it can have no authority whatever. Hence, we perceive, that the authority of parliament is in no ſenſe "abſolute and deſpotic," for even in its authority over *perſons*, it is *limited* and *controuled* by the conſtitution. Now the only means of preſerving this limit and controul in exiſtence and full force, is, for the people to have over parliament the neceſſary check, of a fair, free, and ſubſtantial repreſentation. In this we ſee our conſtitution *is moſt powerful to protect*, where there is *moſt power to oppreſs*; and for this it is, we pronounce it to be a conſtitution of intrinſic wiſdom and excellence!

But reverſe all this: Let the houſe of commons ceaſe to be repreſentative—let it degenerate into a faction that have bought up the boroughs—and let this faction, by that preponderancy which the power of the purſe *in ſuch hands* muſt give it over the other branches, become in effect, a power with "abſolute deſpotic authority in theſe kingdoms," where, then, would be the excellence and wiſdom of a conſtitution, in which there would be "deſpotic authority" to *oppreſs*, without a ſhadow of power in the people to protect themſelves?

No part of our conſtitution is more entangled with *law*, than what relates to our repreſentation in parliament; but happily for us there is no part ſo eaſily diſentangled; becauſe here, more than in any other particular, our ſyſtem of government ſtands on *natural rights* and *firſt*

* *Blackſtone's Commentaries, I.* † *I.* 160. *Sir Edward Coke, 4th Inſt.* 36.

principles. The other two branches of the legiſlature, muſt, from the nature of the caſe, exiſt merely in conſequence of original accident, which grew into a national faſhion or taſte, and ſo became a point of *national agreement*, or part of our conſtitution. It is ſimply becauſe of ſuch original accident, and the inclination, taſte, and agreement which it produced, that England made her chief magiſtrate a king, inſtead of having made him a doge, a director, a preſident, a protector, an emperor, or any other creature of the imagination. And that we have lords variouſly titled, inſtead of ſatraps, or ſenators, or ſtates, or ancients, or wiſe-men, ſtands preciſely on the ſame grounds of accidents, taſte, and agreement. But, with regard to *repreſentatives*, it is far otherwiſe. Theſe ſtand on the foundations of natural right, the firſt principle of reaſon, and political neceſſity. How important the diſtinction! How ſacred that part of our conſtitution!

To every human mind, unperverted by the authority of error dogmatically inculcated, untainted by the bitterneſs of inveterate party ſpirit, and honeſtly diſpoſed, it muſt, I conceive, be an irreſiſtible truth, flowing from firſt principles and the cleareſt maxims, that the body of people ought to be fairly, freely, and ſubſtantially repreſented in parliament. By *fairly* is meant, that a fair diſtribution of ſuffrage ſhould take place; by *freely*, that elections ſhould be uninfluenced, either by power, or threats, or corrupt practices; and by *ſubſtantially*, that there ſhould no where be any perceptible deficiency or want of ſuffrage: for the abſence of fair and free ſuffrage, whatever be the cauſe, does not produce a *vacuum*; as all ſuch ſpaces are filled up with corrupt or arbitrary power.

But our counter-petitioners, ſuppoſing, as I preſume they muſt, our conſtitution to conſiſt of "*the whole maſs of our inſtitutions, together with the whole body of our law, written and unwritten*;" and well knowing "the glorious uncertainty of the law;" talk of courſe of "our preſent conſtitution:" but, under ſo monſtrous a ſuppoſition, our conſtitution, which is in truth the ſtandard of all legal rectitude, and therefore ought ever to be contemplated as ſomething fixed and certain, would, to our inexpreſſible miſery, be the moſt fluctuating thing belonging to us; abſolutely changing its identity, not only with every new *ſtatute*, but even every new *deciſion* of the twelve judges; for it is well known, that every ſuch ſolemn deciſion makes that *law*, and a rule in all judicial proceedings which was not known to be law before *.

It is moſt evident, therefore, that, with ſuch a camelion conſtitution, we can have nothing to do; and that the epithet of "preſent" is unneceſſary and deluſive. What! are not *magna charta* and the *bill of rights* part of our conſtitution? I anſwer, No! they are only charters and ſtatutes of a peculiarly ſacred character, in as much as they are *declaratory* of the people's *rights* on certain points; thereby ſhewing what *in thoſe reſpects* the conſtitution is. A figurative mode of expreſſion ſtealing into all human language, we are accuſtomed, I acknowledge, to ſpeak of ſuch ſtatutes as *the* conſtitution; in like manner as we ſay, the *coffers* of the ſtate, or the *military cheſt* of the army, when we mean the treaſures they contain.

Not even at the revolution was the conſtitution changed, or pretended to be changed. It was only by means of a clear aſſertion of ſeveral important rights of the people placed, as it was thought, on more ſecure foundations. And ſo indeed, in thoſe reſpects, it was; although the

* *Blackſtone's Commentaries, I.* 70.

moſt important of all their rights, and that which conſtitutes the only true ſecurity for all the reſt, as melancholy experience has ſince taught us, was on that occaſion totally overlooked and neglected; notwithſtanding a moſt extenſive invaſion of it, which at a former period had taken place, ſtill continued to operate in its full extent. Of this invaſion of right, I ſhall ſpeak hereafter.

By the revolution, one of the people's rights, that of reſiſting tyranny, and of electing a friend to the excluſion of an enemy to their freedom as their king, was aſſerted in *act*, the reſt by *ſtatute*; but the principles, and the form of government, and every point of known national agreement, or, in other words, their conſtitution, remained as before. For deſtroying a conſtitution, there are various modes; for *changing*, we are told by modern writers, who have not, as far as I know, been refuted, there is only one. It muſt, as they ſay, be by the general conſent and will of a people *perſonally* declared. Here, ſay they, *repreſentation* is inadequate. For a repreſentative to have a right to change that which is entruſted to him as a ſacred depoſit, or to deſtroy that which he is elected purpoſely to preſerve, is impoſſible. That "the *law* of England will not endure an abſurdity *," is a principle equally applicable to the *conſtitution*: and by only exchanging thoſe two words, we ſhall alſo have this maxim; "Whatever is deſtructive of the *conſtitution*, cannot itſelf be the *conſtitution*; for then the *conſtitution* would be *felo de ſe* †." It will therefore follow, that our legiſlators can no more take from the nation its conſtitution, or from any part of the people any of their natural rights and liberties, by being pleaſed to write ſomewhat, to that effect, in our ſtatute books, than our land ſtewards can take from us our eſtates, or this man's field, or that man's houſe, and make them their own, by writing in their account-books that it ſhall be ſo. What our legiſlative ſtewards, in former reigns, *did* write in their books, we ſhall preſently ſee.

It is the propoſed examination of theſe ſame books, the reviſion and expoſure of ſome of the diſhoneſt accounts they contain, and the recovery of certain rights and liberties to a very large amount, of which, by falſe entries, the people, as ſome declare, have been dexterouſly deprived, that cauſed of late ſuch an *alarm* and hurly-burly amongſt the laſt ſet of ſtewards, their connections, dependents, and echoes; and they had the addreſs to infect many honeſt well-meaning perſons, with an unaccountable dread of having the matter looked into, which dread has not even yet wholly ſubſided. Nay, theſe honeſt folks, who were in the dark, were often carried far beyond the rogues in the ſecret; for while the latter were only *alarmed*, the former were *panic-ſtruck*; exhibiting their fears in ways truly ludicrous. But all this is agreeable to nature. When ſtricken with fear we know not why, it is ever extravagant: and a panic-ſtruck perſon—his reaſon loſt, and his imagination on fire—miſtakes friends for foes, danger for ſafety, juſt as it happens: he will even run into the den of a real lion, to eſcape the purſuit of an imaginary tiger. But the original *alarmiſts* took good care that accuſations, inſinuations, and hard names in abundance, ſhould be ſhowered down upon all who had promoted the enquiry. The ordinary appellations beſtowed on them were levellers, jacobins, traitors, cut-throats, and the like.

That unaccountable dread of having the ſtewards' books looked into, which has infected ſo many well-meaning perſons, ſeems to have ſeized our counter-petitioners; for unaccountable, indeed, is the declaration of

* *9th Coke*, 22. † *Atkins*, 221.

a conviction, that to reform, by allowing every taxed houſeholder to vote, would unavoidably ſubvert the conſtitution; and that they ſhould fly to parliament to counteract reform by *ſuch* a notable declaration, is equally unaccountable. In ſhort, I confeſs myſelf fairly puzzled with their paradoxical proceeding. If I could ſuppoſe them to joke, I muſt imagine they amuſed us with a harmleſs game at croſs purpoſes; or with a ſort of cypher, whereof the meaning is expreſſed by contraries: if I ſuppoſe them ſerious, then I muſt conſider them among the panic-ſtruck, who are exactly on a par with ſuch as labour under that whimſical diſeaſe, which *convinces* a man that he himſelf is a gooſe, or a gooſe-pie, or a pitcher, or any earthly thing but what he is; and that certain innocent objects around him are foxes, or devourers, or angry demons, or other deadly enemies of his peace or ſafety.

Theſe fanciful friends of ours, who ſeem to partake ſo largely in the dread of a reformer, and who in the ſignatures to a reforming petition, ſeem to ſee the viſions of ſo many daggers aimed at that dear object of their affection, "our preſent conſtitution," forcibly bring to my recollection, a deceaſed friend of mine, a very honeſt country parſon, who occaſionally was ſubject to the malady I ſpeak of. My friend, even when his nerves began to feel the influence of his diſorder, with the moſt perfect compoſure could ride paſt a brown dog, or a red dog, or he could even look on a white dog, or a dog that was ſpotted; but at the ſight of a *black* dog, he was inſtantaneouſly ſeized with peculiar horrors, ſucceeded by a ſhivering and an affection of the bowels; and as often as he met a dog of *that colour*, inſtead of hanging him as he wiſhed to do, he was obliged to diſmount and retire. And at times when the derangement of the nervous ſyſtem came on without any apparent cauſe, he was incommoded in another way. The branches of trees appeared to his imagination as uplifted axes, and the waving twigs of the hedges as ſo many ſpears and lances, ſhaking in the wind and pointed for his deſtruction.

Knowing all this for real fact, I am the leſs ſurpriſed at the mental malady of our counter-petitioning friends and neighbours, who, in that which is our conſtitution's only poſſible *preſervative*, imagine they ſee its ſure *ſubverſion*. I have only to expreſs a hope that they may, in another reſpect, reſemble my late friend, the honeſt parſon. When his nervous fit was off, he could laugh at himſelf with great good humour; a dog might be as black as his own coat, without any power over his bowels, or being wiſhed on a gibbet; and no man's eye could dwell with more delight than his on the humble, but vigorous and beautiful hawthorn, at once the defence and ornament of our fields.

Have our counter-petitioners conſidered what a whimſical thing the Engliſh conſtitution, if *the whole law* made part of it, muſt have been at different periods, and would indeed now be? Such an error was certainly excuſable in *them*, for it is plain that *Blackſtone*, without reflecting on the abſurdities to which it led, entertained this confuſed notion: for he ſays, "That *conſtitution*, or frame of government, that *ſyſtem of laws*, is alone calculated to maintain civil liberty, which," &c. * And his idea of *civil liberty* was equally confuſed and incorrect, for, according to his definition, it wholly conſiſted in *legal protection*, without taking in the idea of *ſharing in the making of laws*. His civil liberty, therefore, might have been enjoyed under a Roman emperor, or a Venetian ſenate, or a Frederick of Pruſſia. "And we have ſeen," ſays he, "theſe rights (the "rights and liberties of Engliſhmen) conſiſt, primarily, in the free enjoy-"ment of *perſonal ſecurity*, of perſonal liberty, and of private property. So

* *Commentaries*, I. 226, 251, 144.

long as *these* remain "inviolate, the subject is perfectly free." Now the truth is, all these rights may "remain inviolate" at *Petersburg* or at *Berlin*, and yet the people have no political liberty at all. How long is it since, according to this interpretation, it must have been part of this wise constitution, than an old woman should be burned, as soon as she commenced *witch* * ? And that law-suits should be settled, and justice administered, by the equitable rule of *trial by combat* ? Was it under the first of our Plantagenet kings, according to the English *constitution*, or the *agreement and rule of government which the nation had adopted*, that a man who had transgressed the forest laws (afterwards repealed by *magna charta*) should, according to the degree of his offence, or the mercy of his judge, have his hands and feet cut off, or his eyes put out, or should suffer castration † ? Or was it in the time of Henry VIII. a part of this excellent constitution, that an Englishman might be condemned as a traitor, be hanged till half dead, be then cut down, have his bowels taken out and burned before his face, his head then to be struck off, and his body to be divided into four quarters, to be stuck up wherever the king should appoint, for the constitutional instruction of his beloved people, for — what think you? — for having *believed* the king to have been lawfully married to his former queen, Anne of Cleves ‡ !

Do these gentlemen reckon it part of "our present constitution," that our armies, and all men under forty, shall diligently practice *archery*; or that none under the degree of a knight, or a lord's son, shall wear a velvet cap; because *laws* for those things still remain in the statute book unrepealed? Or that "*rogues and vagabonds*," and "*incorrigible rogues*," in case they shall have "any vote in the election of any member or members to serve in parliament, shall be subject to a *less* punishment than if they have not such votes § ?" But the constitution, according to this wild fancy, must at one time have been a mere hermaphrodite, a thing perfectly equivocal, one day all law, the next all will and pleasure, according as the wind stood in the fickle will of a capricious brute; for by the 31st Henry VIII. c. 8. it was enacted, that a royal proclamation should have the same force as an act of parliament.

I have looked into the *written* constitutions of America and France, and examined them carefully; but I do not find in them any regulations about old *rags*, nor a single word about *kettles* and *frying pans*. It has been the late care of those nations, to have *two* books; one, for their constitution alone; the other, for kettles and frying pans and old rags, whenever they have occasion to legislate about such things. And by having their constitution and law thus separate, other advantages result; their *legislators* come to know what the constitution *is*, and their people are happily secured from talking downright nonsense about it. Gross misconceptions being thus prevented, differences of opinion on the ge-

* So late as the 16th year of Charles II. two elderly women were actually condemned by *sir Matthew Hale*, and executed at Bury St. Edmunds in Suffolk, for exercising witchcraft; whereof one of the principal proofs insisted on was, that the bewitched persons frequently vomited crooked pins.

† *Blackstone's Com. IV.* 423. ‡ *See Blackstone's Com. IV.* 86 *and* 423.

§ Or is this a proof of the boasted equality of our law? See the act 35th Geo. III. for *compelling* incorrigible rogues, &c. to serve at sea. If it be argued, that, to remit the ordinary penalties, and confer the honourable employment of defending our constitution, our religion, and liberties, and social order, is not to inflict a punishment, but to confer a favour, and therefore any observation turning on the measure or degree of *punishment* falls to the ground, I must then reply, that if this honour and this favour be withheld from an incorrigible rogue merely because he has the misfortune to be an elector, it will still be a reversal of the principle which says the "law speaks to all with one voice."

neral nature, or on what conſtitutes any particular part of the conſtitution, can only exiſt in ſlight ſhades; not likely to beget party hatred, nor to render any of the people dupes to miniſters for promoting evil deſigns, nor to load the preſs with perpetual controverſy. Another benefit, and no inconſiderable one, reſulting from the poſſeſſion of a written conſtitution, is ſo obvious that I need ſcarcely remind my reader of it: NO UNCONSTITUTIONAL LAW OF CONSEQUENCE CAN GET UPON THE STATUTE BOOK; and if any unimportant one ſhould creep in, it muſt ſoon be detected and expunged.

Of an ever-varying, camelion conſtitution — a conſtitution unfathomable by the line of human intellect — a conſtitution of contradictions — a political felo de ſe—let us then hear no more! for if a thing ſo monſtrous were indeed our conſtitution, it muſt ſoon be ſelf-deſtroyed, leaving our nation to wade through blood and anarchy to ſome better ſyſtem.

SECTION VI.

WE come now to the conſideration of certain ſtatutes to which I have more than once alluded: I mean the diſfranchiſing ſtatute of *Henry VI.* the triennial bill of *William III.* and the ſeptennial act of *George I.*—— Theſe ſtatutes have been ſo long in our books, and acquieſced in as the law of the land, that I am fully aware of the difficulty there may be in impreſſing on the mind of my reader the true character and effects of theſe laws; and how eſſential it is to the very exiſtence of political liberty amongſt us — to the very pretenſion of our being a free people — that they ſhould be repealed.

No degree of acquieſence, no not an univerſal approbation of ſucceeding ages and generations, can ſanction pernicious error, nor make that juſt and right, which is in its own nature incurably unjuſt and wrong. Or ſhall I rather uſe the elegant words of *Blackſtone*, and ſay "no conſtitution could eſtabliſh it without power of revocation, no "precedent could ſanctify, no length of time could confirm it *." Theſe ſtatutes, as you ſhall ſee, are all of them not only *un*-conſtitutional, but *anti*-conſtitutional; — not merely *inconſiſtent* with liberty and the conſtitution, but, in letter and ſpirit, to the full extent of their operation — and dreadful indeed is that extent — liberty and the conſtitution are *deſtroyed*, *extinguiſhed*, *blotted out*; for, ſuffer but the principles of the conſtitution which I have already laid before you, to have their fair and full effect, and then not one particle, not a trace of the ſhackles put upon our political liberty by thoſe ſtatutes could remain.

Thoſe principles of our conſtitution I have put to the ſtricteſt ſcrutiny of which my mind is capable; and I wiſh my reader to do the ſame; for we are both embarked in the ſame veſſel, and muſt ſink or ſwim together. If, then, we find thoſe principles true, there will be no doubt of my convincing every impartial and honeſt man, who will indulge me with his attention, that the three ſtatutes in queſtion are in direct contradiction to thoſe principles, and, not *tendencies* only, but, as far as they go, actual *ſubverſions* of the conſtitution.

Nor is it too much to ſay, although perhaps it may at firſt occaſion ſurpriſe, that theſe three ſtatutes have worked a far more radical, and therefore a more dangerous change, in reſpect to public liberty, than had been wrought to its diſadvantage, in thoſe tyrannical periods of

* See page 22.

Engliſh hiſtory, which preceded the exertions of *Runnimead*, or the expulſion of *James II.*; and that infinitely more would be done for the ſecurity of political liberty, by a repeal of theſe three ſtatutes, than was done by the joint efforts of *magna charta* and the *revolution*.

Numerous and vexatious as had been the oppreſſions which make the ſubjects of the ſixty-three clauſes of *magna charta*, not one of them related to the eſſentials of political liberty, properly ſo called; for, as *Blackſtone* obſerves, "*Magna charta* only pruned the luxuries of the feudal ſyſtem *." In ſtrictneſs of ſpeech, they were all of them only breaches and violations of *legal protection*; and if we conſider who the parties were, who extorted the firſt charter from *John*, namely, the ſame as at all times ſhared with him in legiſlative power, we ought in fact to conſider the aſſembly held in *Runnimead*, and held by the king's appointment, as a real parliament; in which caſe it will appear, that all the *legal protection* procured by *magna charta* was the immediate effect of *political liberty*, or the power of law-making. It does not detract from this truth, conſidered in the abſtract, to ſay the king was afraid of the ſwords of the barons; for how many monarchs have there been, who never would have aſſented to any propoſed law for the redreſs of grievances, but through ſome fear or other, and for the moſt part of the ſword ultimately. If the barons and their followers were armed, ſo are the *Corſicans* at this day (as their late viceroy can inform us), whenever they aſſemble in parliament; conſidering it as "the only attitude becoming free men." All I have to do at preſent is with the fact, that the meeting at *Runnimead* was by appointment, and that this great law, *magna charta*, was made by *agreement*. Thoſe who make laws, have political liberty.

I have already remarked that our greateſt danger lay not in the *crown*, and likewiſe, that a far greater wrong than any that were redreſſed at the revolution was on that occaſion overlooked, and left ſtill to operate in all its miſchievous extent upon the nation. And now I have to obſerve, that amongſt thoſe wrongs which were rehearſed in the *Bill of Rights*, there were but two articles having immediate relation to *political liberty* itſelf, and they were by no means made the moſt prominent features of that bill. And ſo far is it from appearing, that theſe ſymptoms of the grand ſtate diſeaſe led the conductors of the revolution to a right knowledge of the proper nature, and of the great danger of that diſeaſe then lurking in the vitals of the conſtitution, that theſe very perſons, with the reſentment of *James's* tyranny hot in their minds, did themſelves, by their triennial act, give political liberty a deeper ſtab than any it had received at his hands.

The firſt of the two caſes alluded to, is the king's having violated "the freedom of election of members to ſerve in parliament;" and upon this head, this mighty bill tamely ſays, "That election of members of "parliament ought to be free." And, in conſequence of omiſſions which had occurred in *holding* of parliaments, although not complained of in the recital of grievances, it ſays "And that for redreſs of all grievances, and for amending, ſtrengthening and *preſerving* of the laws, "parliaments ought to be held frequently."

Here, then, is the ſum of complaint, on what immediately affected *political liberty*; all the reſt was concerning mere abuſe of *legal* authority, mere violation of *law*, and of that *legal protection* to which the people had a right at the hand of their king. But it is evident, that, had the ſcience of civil government been as well underſtood, either in the days of *Runnimead*, or of the *revolution*, as it is now; and had there been virtue enough to

* *Commentaries, VI.* 438.

have acted up to such knowledge; then instead of childishly enumerating, one by one, the stripes they had received from the rod of regal power, and as childishly reciting, one by one, only certain specified claims of exemption from the illegal stripes of that rod in future, the true way of securing, not only all these specified rights, but all others which existed, as well as of giving a tranquil establishment and assured permanency to freedom, would have been, with a dignified manliness, and with that simplicity which characterises true wisdom, to have resorted at once to the first principles of political liberty, and to have demanded and established a fair, free, and substantial representation of the people in parliament; and then to such a parliament to have left their *legal protection* in all its branches.

Had they thus placed the political liberty of England on its right foundations; and had an act of such intrinsic wisdom been followed up by the appointment of a committee of both houses of *such* a parliament, calling in the aid of the learned, to collect and digest, on the known principles of our government, all our institutions and necessary regulations, in the draught of a WRITTEN CONSTITUTION, to have been printed, circulated, and submitted to a three-years' national discussion, so that the people might have instructed their representatives how to have expressed their mature opinions on the same, surely such men and such a parliament would have deserved the gratitude of their country in the highest possible degree; and a constitution, so made known, so confirmed, and so fortified, would have been the greatest of all earthly blessings to this nation *!

The remedies which, at the periods I have spoken of, were actually applied, were possibly the best the knowledge of the times afforded; but no one can doubt that, compared with what is here suggested, they were puerile, short-sighted, and insufficient. Political liberty, in both cases, was the true object: whereas the ignorant patriotism of the times knew not the means of securing it; nor indeed in what it truly consisted; but spent its strength in providing for inferior objects, which may in a certain degree be had even under governments absolutely despotic, so long as a wise prince shall reign, but for the permanency of which there can be no security, but in possessing true political liberty. And are there not those of the present day, who, either ignorant or regardless of our true disease, or not sufficiently aware of its extent and danger, seem to have no sense of their country's wrongs, but when they themselves immediately and personally feel the lash; and who idly imagine all would be right, if those who lash them were removed from power? Wretched mistake! pernicious error! an error which, in as much as it draws attention to inferior evils, has a natural tendency to prolong the existence of that which is of the greatest magnitude, and the parent of all the rest.

As all the wrongs complained of, first under *John*, and afterwards under *James II.* were, when truly understood and estimated, different in nature, as well as far inferior in degree, to those which flow from the three statutes under consideration, we cannot bestow too much pains in ascertaining the distinction, and establishing the fact. The distinction will be clearly seen, by applying to the case all I have said for marking the essential difference between legal protection and political liberty. And if it be once seen that those statutes, without appearing, to undis-

* Mr. *Pitt's* Poor Bill has already been printed and in circulation between two and three years.

cerning eyes, to detract from *legal protection*, do in truth, to the whole extent of their operation, annihilate *political liberty*, we can have but one opinion concerning the neceſſity of their total repeal. Let us now review them.

Prior to the reign of *Henry VI. every man* (not being a villein or bondman) had a common-law right, agreeably to thoſe principles of our conſtitution I have ſo often repeated, to vote in all elections of his country; which right "at the grievous complaint of the commons" concerning the "affection of ſheriffs" and other cauſes of "undue election, to the "great ſlander of the counties, and hindrance of the buſineſs of the "commonalty," was unequivocally aſſerted in a declaratory ſtatute of the 7th Henry IV. c. 15. in theſe words: "And that *all they* that be there "preſent, as well ſuitors duly ſummoned for the ſame cauſe, *as other*, "ſhall attend to the election of the knights for the parliament, and "then in the full county they ſhall proceed to the election freely and in-"differently, notwithſtanding any requeſt or commandment to the con-"trary." And this act was enforced by another in the 11th of the ſame king, c. 1.

Then comes the firſt real ſtab which the *political liberty* of Engliſhmen ever received; and it comes, not from the *crown* (for the king was an infant not eight years old), but from PARLIAMENT; from that power which if once corrupted, *Burleigh* and *Monteſquieu* foreſaw, would be the ruin of England. The well-known ſtatute of diſfranchiſement, of the 8th of *Henry VI.* c. 7. at one ſtroke cuts off from the future enjoyment of the ſacred unalienable right of election, *an immenſe majority of the whole nation:* by enacting that none in future ſhall elect, who have not freeholds of forty ſhillings per annum *. What was this but ſaying to the majority of the nation, 'We whom you in the exerciſe of your po-'litical liberty have choſen to be your repreſentatives (the very end 'and object of which choice above all other conſiderations is to pre-'ſerve that *political liberty*, as your only true and certain ſecurity for le-'gal protection, and every bleſſing of life), we in whom you have re-'poſed this great confidence, and whom you have thus honoured with 'the higheſt of human truſts, are pleaſed to determine, that, from this 'moment you ſhall have *no political liberty at all*; and that the *legal pro-'tection* of yourſelves and your poſterity ſhall altogether depend on le-'giſlators whom a *minority* of the nation ſhall from henceforth place 'over you and them: We know that in ſo doing, we break through '*magna charta*, which promiſes "to all free men" of the realm, the ſav-'ing and preſerving "all their liberties, and free cuſtoms, which they 'had before †;" and that we likewiſe ſhow equal diſregard to near '*forty* other ſtatutes, by which the ſaid charter has already been con-'firmed; *but ſuch being our pleaſure*, SUCH IS OUR DECREE!'—— Does this wholeſale annihilation of inherent and conſtitutional rights, by the choſen guardians of them, pleaſe thoſe of our neighbours who cannot endure any thing *tending* to ſubvert the conſtitution? On their

* Equal to 12l per annum in the reign of queen Anne, according to biſhop Fleetwood, in his *Chronicon preticſum*.

† *Magna charta of the 9th of Henry III. with obſervation from lord chief juſtice Coke's comments upon it, p.* 105.

The quotation is from the 38th chapter, where we alſo find "neither we, nor our "heirs, will procure or do any thing, whereby the liberties contained in this charter, "ſhall be infringed or weakened. And if any thing be procured by any perſon con-"trary to this, *it ſhall be of no value*, AND HOLDEN FOR NOUGHT." Was *magna charta* ever formally *repealed?*

own principles, I have said, they must be the first to approve of doing away, by repeal, what has been already done in this kind.

In the next place, it is to be observed, that *sessional* parliaments were in regular use for many centuries, and none other known either to the *constitution* or the *law* (notwithstanding occasional *practice in bad times*): so that by means of such sessional parliaments, the elective franchise came into exercise generally once a year; sometimes twice, and more often; agreeably to the principles of political liberty. But now comes, in the sixth year after the revolution, a statute to give *three years continuance* to the same parliament *; which thus disfranchises for two years in every three all those who had not been totally disfranchised by the former statute. And this I presume was done after Mr. *Locke* had published his admirable Discourse on Government.

Let me once more appeal to our counter-petitioning friends, who are so anxious to ward off even the distant danger which threatens our liberties. Does not again this statute plainly say: 'We your representatives 'either know nothing, or care nothing, about *principles of government*: 'As little do we know or care about *the principles of our particular constitution*, or about *your rights*. Your own common sense, and your 'own consciousness, that your political rights are essential to you as rational beings in a social state, may tell you we had no power and authority to do as we have done; no, nor to destroy one atom of rights 'so sacred: But *we* tell you, that you having thought proper to make 'us legislators, a character we know not how to sustain, we have thought 'proper to take one large stride towards making you political slaves, a 'character in which you perhaps may make as awkward a figure. 'Again, we told king *James* who became our sovereign, *not* by our particular election, but by inheritance, that "by assuming and exercising 'a power of *dispensing* with, and *suspending* of, laws †," he had proved 'himself a tyrant: and for so doing we made war on him, expelled 'him from the throne, and drove him as an outcast to seek his bread in 'foreign climes: But we tell you, our constituents, our political creators, you, by the breath of whose lips we are what we are, that we 'think proper to "assume and exercise a power of *dispensing*" with 'elections, the very fountain of our law-making power, "and *suspending*" 'the whole political liberty of the English nation at our good pleasure and 'discretion; and, for the present, WE DECREE ITS SUSPENSION 'FOR TWO PARTS IN THREE OF ALL TIME TO COME.' And this is what the profound *Blackstone*, through the error we have noticed, can number amongst the *reforms of parliament* which improved our constitution; whereas it was in truth a most sacrilegious violation, and the very egg of monstrous corruptions ‡. This impiety of the creature, rebelling against, and tearing away the power of, its creator the people, does not awaken his astonishment and indignation; but what would he have said, had the lords of parliament so far forgotten *their* creator the king, as to have forced upon him a law to have transferred the power of creating peers and bishops from him to themselves?

Well, gentlemen, —— you who tell us reformers, that we are subverters of the constitution, what think you of this suspension of our liberties? Does this sort of *reforming* square with your notions of English freedom, or satisfy your understandings, so conversant with the sci-

* *See the People's Barrier.* Index under the heads of *Triennial Bill, Parliament, &c.*

† 1st *William and Mary*, 2nd. Sess. c. 2. being an act "declaring the rights and liberties of the subject, and settling the succession of the crown:" more commonly called *The Bill of Rights.*

‡ *Commentaries, I.* 334.

ence of civil government? Is this the ſort of patriotiſm you would have us imitate, or the ſpecies of political reaſoning with which you deſire us to enlighten the ignorant? Remembering the "glorious revolution" we heard of in the proclamation of the 21ſt of May 1792, what ſay you now to the conſtitutional knowledge, and legiſlative fidelity, of thoſe who beſtowed upon us that "glorious revolution *."

The laſt of the ſtatutes we have to conſider is the ſeptennial act. And what is it, but the ſame deſtructive potion as the triennial act, only drugged more plentifully with the poiſonous ingredient of ſuſpenſion. That, "ſuſpended" *political liberty* only two parts in three of human life; by the ſeptennial act, it was "ſuſpended" SIX PARTS IN SEVEN; which, though not in *words* a total ſubverſion and deſtruction of all liberty, yet, in *effect*, all collateral circumſtances taken into the account, was equivalent to a death's wound. If, as I have elſewhere proved, it be the indiſputable right of Engliſhmen to create a new repreſentative once at leaſt in every year †, and if "the annual exerciſe of elective power" be "the quinteſſence, the life and ſoul of our conſtitution ‡," a figure as correct as it is beautiful, what more could the enemies of freedom wiſh, than, on a ſtate of repreſentation, unequal, partial, and defective as it was in the year 1716, to erect on it a ſuſpenſion of all political liberty for ſix parts in ſeven of human life! We may form ſome conception of the effect of *ſuch a freedom*, towards ſecuring the proſperity and promoting the happineſs of a nation, by eſtimating the value of a man's *phyſical liberty*, towards the maintenance of a wife and numerous family, if unhappily ſubject to ſuch a regular *ſuſpenſion* of his faculties as to leave him *awake* only *one day in a week*.

The intoxicating poiſon of the triennial act produced political ſtupor and approaches of inſenſibility to a public intereſt, and, convulſing the nation with the intemperance of party, and the never-ceaſing brawls of faction, gradually unfitted it for the ſober cares, and duties and exertions, of a virtuous and free people. What that nefarious ſtatute began, its odious ſucceſſor has but too fatally accompliſhed. It has debauched and debaſed the political character of our nation. It hath well-nigh wrought an utter obliviion, if not even a loathing, amongſt large claſſes and particular ranks in ſociety, of thoſe principles of liberty, in vindication of which a *Locke* and a *Milton* wrote, a *Hampden* drew his ſword, and the martyred *Sidney* and *Ruſſel* bled. —— Are we not then, on the authority of *magna charta*, warranted in pronouncing, that ſtatutes which ſo tear up by the roots "the liberties and free cuſtoms which we had before," and which are ſo deſtructive of the manlineſs, the morals and character of the nation, "are of no value, and ought to be holden for nought?" And in the ſpirit, and very letter alſo, of the principles of our conſtitution, of reaſon, and of nature, may we not legally ſay, that theſe acts, radically unjuſt and founded in error, "be not ſtatutes but corruptions;" and, being "incompatible with the conſtitution, are in themſelves void §." Surely our reiterated petitions to parliament will in

* "Finding the people could not yet be brought to digeſt long parliaments they endeavoured to make their peace with the public by the *Triennial Bill*, in which there "was a clauſe for their own diſſolution; and ſet on foot an inquiry into their own "venalities, which opened ſuch a ſcene of iniquity, as, in the compariſon, made the "penſioner parliament of king *Charles II.* ſeem innocent; and which was *then* thought "to have arrived at the *ne plus ultra* of corruption." *Detect. of Parl. of England. I.* 121.

† *Legiſlative Rights of the People vindicated, and People's Barrier.* Turn to the Index of each, for the various paſſages in proof of this truth.

‡ See p. 2. § See p. 19.

time prevail; and ſtatutes ſo diſhonourable to parliament itſelf will be blotted from its books!

As we thus proceed in our comments on theſe wretched ſtatutes, are our counter-petitioners any better reconciled to this unprincipled licentiouſneſs of the political ſtewards of 1694 and 1716; or to the political ignorance, ſtupefaction, and the degeneracy of the people, which the groſs ignorance or the blackeſt treachery of thoſe ſtewards hath occaſioned! Or are we reformers ſtill to be branded as the enemies of our country, and diſturbers of its tranquillity, becauſe we would arouſe it from its diſeaſed ſleep of political drunkenneſs and death, ere its vigilant never-ſleeping adverſary hath completely woven the web of its deſtiny.

But the conſummation of the miſchief is yet to come. In the raw infancy of unpractiſed corruption, a parliament partially and defectively elected might nevertheleſs be an honeſt parliament; for even an abſolute monarch may *protect* his people. A triennial, or even a ſeptennial parliament, may on particular occaſions be actuated by a ſpirit congenial with, if not founded on, political liberty; becauſe it is naturally poſſible, that illegitimate power ſhould not in all caſes be abuſed: but the misfortune is, and it is the natural courſe of things, that when *the true barriers* of political liberty are once impaired, abuſes inevitably creep in; as thoſe barriers are more and more removed, abuſes increaſe; but when it is once ſeen that the barriers are abſolutely given up and abandoned, then corruption like an overwhelming flood bears down all before it.

The almoſt total deſtruction of the true barriers of political liberty, by the three ſtatutes in queſtion, which had annihilated a vaſt majority of Engliſh ſuffrages, and ſuſpended all the reſt for the far greater part of human life, left the houſe of commons, and, by the links of neceſſary conſequence, the conſtitution and ſovereignty of the country, a prey to the moſt factious and moſt corrupt; and cauſed it to be ſeen, that a ſucceſsful adventure in the borough trade muſt be the ſure road to wealth, to honours, and to power; and that a combination amongſt that claſs of traders muſt give the whole liberties of Great Britain into their deſpicable hands.

The ſyſtem has at length reached its conſummation. Of farther improvement, it is not capable. What more can a faction deſire, than to have the whole wealth of the nation at its abſolute command?

That the whole wealth of Great Britain is at the command of the borough faction, is moſt certain; if it be true, that *the one hundred and fifty-four* abſolutely command a decided majority of the ſeats in the houſe of commons. Of the truth of that fact, the petitioners of May 1793 tendered proof at the bar of the houſe; and, from that moment to this, have been anxious to bring it forward. Can, then, any reaſonable man want conviction, that the evil, whatever be its preciſe and accurate amount, doth in reality exiſt? Does any man ſee aught in the conduct of majorities to ſtagger ſuch a belief, or even to counteract ſuch a perſuaſion? Would any other than ſuch majorities, ſuffer a miniſter year after year to bring out an expenditure, the double of his eſtimate? or to expend more money *without* the knowledge and conſent of parliament, than he hath expended *with* that knowledge and conſent? If Mr. *Pitt's* pecuniary and parliamentary meaſures during the war do not largely contribute towards opening the eyes of the people, as to their ſituation in reſpect to political liberty, they ſhall not be opened, as it

ſhould ſeem, although to perform that office one came from the dead *; and if this nation ſhall not from the evidence afforded by the regular conduct of miniſters and majorities, ſee that it is bought and ſold by a deſpicable faction, it is bereſt of its reaſon, and the hand of God is upon it for its deſtruction.

Time, taxes, and the complete triumph of French liberty over all its enemies, will ultimately, perhaps, convince the abuſed people of *England*, that it is not by attacking the liberties of another nation, but by reſtoring the loſt liberties of their own, that *their conſtitution* is to be preſerved. Seeing, then, that what THE ENGLISH CONSTITUTION wanted as a ſecurity either againſt jacobins or levellers, or traitors as deadly as either, was only a ſingle law repealing the three obnoxious ſtatutes we have conſidered, and regulating the exerciſe of the elective franchiſe, what muſt be the feelings of Engliſhmen, when they put into one of the ſcales of political reaſon ſuch a pacific, healing, and ſaving meaſure; and into the other, the horrid war that has been waged, on the pretence of *defending our conſtitution*; while the *reform* which can alone preſerve it, is ſtill obſtinately reſiſted by the authors and abettors of the war!

Believing moſt religiouſly, that to ward off that reform, was with miniſters the principal, and not, as it ſhould ſeem, the very ſecret cauſe of the war, to their account, in the way of criminal accuſation, I lay the whole of its pecuniary burthen; and when I contemplate all the conſequences of that burthen, and when I review all the horrors of the war itſelf, it is not in the power of language to convey an idea of my feelings;—a war that hath depopulated my country to form armies, and impoveriſhed it to maintain them;—a war in which thoſe armies have been employed *ſolely againſt a nation ſtruggling for its liberties, and which ardently wiſhed for peace inſtead of war with England*: a war in which our luſty battalions left their native land, to fight they knew not why, and in which we have ſeen them, not only thinned in battle by the ſword, but miſerably periſhing, with circumſtances of unſpeakable horror, in winter retreats over frozen deſarts; and ſtill more miſerably ſwept off, the victims of a peſtilential air in burning climes! and when for carrying into effect ſuch projects of unprincipled and unfeeling men, a heavy load of taxes is to lie a dead weight in perpetuity on the ſtruggling induſtry and the comforts of the people, words are wanting to expreſs the criminality attaching to the authors of calamities, at firſt ſo full of horror, and afterwards, in their conſequences, ſo extenſive, ſo oppreſſive, and ſo laſting!

Over the authors of *ſuch a war, in ſuch a cauſe*, ſurely the vengeance of their nearly-ruined country cannot long ſleep!

SECTION VII.

IT requires but little ſkill in political combinations, and in the proper diſtribution of power in a ſtate, to ſee that in this country the com-

* "In the year 1791, when all the arrears of the American war were either "funded or diſcharged, the annual intereſt upon the public debt amounted to 9,289,11*l.* "In *leſs than five years*, therefore, the preſent chancellor of the exchequer will have added "very nearly as much to the *perpetual taxes*, as all the miniſters that have ever afflicted "this country from the Revolution to the commencement of his adminiſtration. The "intereſt of the debt in December 1783 (when Mr. Pitt became chancellor of the ex-

binations and diſtribution are ſuch as to violate all principles, and to fruſtrate the moſt eſſential ends of government. Repreſentation is gone: and for a ſubſtitute, we have got a combination of corrupt and illicit traders in patronage and influence. Legiſlative and executive power ought to be totally ſeparate and diſtinct, and never ſo much as to come into contact, except merely in the perſon of the ſovereign when he gives aſſent to laws: inſtead of this they are in the ſame hands. Men ſerving the crown, and holding under it offices of power, of honour, and emolument; and men ſerving the people, as their repreſentatives and protectors againſt the incroachments of the crown, ought to move in totally different ſpheres and elements; but we ſee them not only mixing in the ſame element, and partaking in the ſame councils, but—as if the ruin inſtead of the proſperity of freedom were the object of our conſtitution—we ſee the very ſame men officiating at the ſame inſtant in both characters; and we ſee a *treaſury bench* and a ſwarm of *placemen* in an Engliſh houſe of *commons!*

Can we be ſurpriſed that things do not go well in a ſtate ſo conducted? Can we be ſurpriſed at the diſmemberment of the nobleſt colonies the world ever knew;—at wars of iniquity and madneſs, provided they do but increaſe patronage, and corrupt power, and quaſh reform;—can we be ſurpriſed at a mill-ſtone of debt, an inſolvent bank, and the rapid approaches of public bankruptcy;—at every token of falling empire; and at taxes on the people in ſuch infinity, that no man can name an untaxed article; nor even appear out of his door, without being badged for the purpoſes of revenue like a pariſh pauper; or, if he forget his badge, without being heartily fined for the emolument of the exchequer, and its ſwarm of informers?

Can we, when we perceive that political liberty is annihilated, be ſurpriſed that barracks ſhould be created *; or that we ſhould hear of "a "vigour beyond the law," and of a right to import mercenary armies, even without the conſent of a parliament that was *capable of enduring the language?* Or, finally, can we be ſurpriſed to ſee a vile apoſtate from reform and virtue beſtriding our country like a proud coloſſus, and with the very engine of ſpurious repreſentation riveting its chains, extinguiſhing its glories, and conſigning it to wretchedneſs and diſhonour? Having elſewhere ſhewn that, while things continue in their preſent ſituation, miniſters muſt of neceſſity be identified with, and in fact completely dependent upon, the borough faction, they and the faction are conſequently to be conſidered as one corps, combined in one common intereſt neceſſarily hoſtile to that of the public, and—in theory monſtrous, in practice madneſs—uniting in the ſame hands the whole power of the crown, and the whole power of the commons †. Thus, then, againſt all principles, are the legiſlative and executive functions

"chequer) was only 8,045,055*l.* ſo that in fact he will, in five years, have *more than* "*doubled* the amount of all the perpetual taxes, that exiſted before his adminiſtra-"tion." *Morgan's Appeal to the People*, p. 37, where it is ſhewn that Mr. Pitt's *additions* amount to 8,191,957*l.* per annum.

* "Nothing, then, according to theſe principles, ought to be more guarded againſt "in a free country, than making the military power, when ſuch a one is neceſſary to "be kept up, a body too diſtinct from the people. Like ours, therefore, it ſhould "wholly be compoſed of natural ſubjects; it ought only to be inliſted for *a ſhort and* "*limited time*; the ſoldiers alſo ſhould live intermixed with the people; no ſeparate "camp; NO BARRACKS; no inland fortreſſes ſhould be allowed." *Blackſtone's Commentaries*, I. 414. Our ſoldiery of the ſtanding army are *not* inliſted for "a ſhort and li-"mited time," but *for life*, or as long as able to ſerve.

† *Commonwealth in Danger*, p. 100. *Letter to the Sheriff of Lincolnſhire*, p. 22,

united, and we see the same men with the power of creating offices, and the power of furnishing salaries; with the power of forming schemes of expence, and the power of voting themselves the money; with the power of plunging their country into a war whenever it may suit *their corrupt views*, and the power of granting to themselves the supplies. Can faction, in the lust of dominion, want more? Can a country, for its sins, be visited by a greater curse?

And I wish that gentlemen who cannot digest a dinner without toasting *the king*, as a magistracy they hold in peculiar veneration, and over which they would have us believe they watch with incessant vigilance and jealousy; I wish these gentlemen to consider, whether the statement set before them does not manifest that his majesty's independence is violated in the most atrocious manner, by the faction I speak of. These gentlemen must know, there is not a prerogative of his majesty, nor a branch of his government, which is, or can be exercised, without the advice, and concurrence, and responsibility, of his ministers; except only that of *choosing* the ministers themselves; for even in the prerogative of mercy, the king undoubtedly acts by advice; and a minister who should corruptly misadvise, would be amenable to parliament. If, therefore, the king depends for his revenue on an unconstitutional faction of *one hundred and fifty-four* men, can his majesty have any choice of ministers open to him, except only amongst such as are capable of identifying themselves with this corrupt faction, and sacrificing to it the interests of the public? What a situation is here, for king and people!

There are those who do not in the least dispute our right in *theory*, but who pretend that a fair, free, and substantial representation, would prove no better in *practice*, than what we have. A grosser insult to the human mind, it is not within the reach of my small capacity to conceive. Is not this declaring, there is no difference between the possession and the *deprivation*, of political liberty? And that whether men are the *servants*, or the *masters* of their country, their conduct will be the same? Does not all human experience prove the contrary? Transfer but the proposition from national to private concerns, and its stupidity must strike every mind. Was ever man so mad, as to imagine that if his servants were wholly independent on himself, and *septennially* appointed by *some one else*, his affairs could prosper?

To argue against a genuine representation, is to prefer corruption to purity, insult to respect, fraud to fidelity, and robbery to honest service. And is it not also to pronounce all who ever exerted their talents, or shed their blood for the *rights* and *liberties* of mankind, fools, and ideots, and worthless persons? But who contemplates an *Alfred* without affection, admiration, and reverence! Who despises the labours of those who laid the foundations of our constitution, or who have transmitted to us in their writings the inestimable treasure of its *principles*? If those who obtained us *magna charta*, the *habeas corpus* act, the *bill of rights*, and the act for declaring that both *law* and *fact* come within the cognizance of *juries*, have deserved and received the gratitude of their country, for the mere *legal protection* against oppression from *the crown and its servants*, which those *laws* have more or less at different periods afforded; what honours, what inexpressible gratitude and reverence must be due to those, who shall secure to us *genuine representation*, or in other words, *political liberty*, the only security for *assured and permanent* LEGAL protection, while at the same time it affords a complete CONSTITUTIONAL protection against an abuse of power in PARLIAMENT ITSELF!

And shall we profane the sacred name of *civil liberty*, by so denominat-

ing that mere partial protection againſt the illegal rod of office, or that which prevents the incroachment of James upon the eſtate of John; or the invaſions of William on the property of Thomas; while yet the perſonal freedom of all men, and the eſtates and property of the whole nation, lie at the mercy of a few perſons who have monopoliſed *the power of making the laws!* Is deſpotiſm other than deſpotiſm, whether in the hand of *one*, or of *one hundred and fifty-four?* Is civil or political liberty, other than the *ſelf-government* of a nation, by a legiſlature in which a fair, free, and ſubſtantial repreſentation is the vital part?

Suppoſing deſpotiſm, whether in the hand of one, as at Conſtantinople; of a ſenate, as lately at Venice; or of any faction, in any country, which has by uſurpation ſecured that root of all power, *the power of law making;* to conſult only its own intereſt; is it not its trueſt policy to veil, as much as poſſible from the public eye, its arbitrary power, and to legiſlate according to *forms* in uſe amongſt freemen? Is it not alſo its wiſdom to afford complete *legal protection*, againſt all invaſions except its own, and to inculcate the notion, that men ſo protected enjoy *civil liberty?* Will not every wiſe deſpotiſm encourage the breed, and improve the paſture of its ſheep, that its fleecings may be the more beneficial? Will it not attempt to protect induſtry, promote manufacture, and encourage commerce; that it may continually ſqueeze the ſponge of human exertion, and ſuck to itſelf the profits of all human labour? How this nation has been already ſqueezed, how its very blood has been ſucked, let a debt of *four hundred millions* ſterling, ſince the paſſing of the *triennial act*, declare!

For ſome knowledge of what has already befallen this country, in conſequence of not having been fairly and ſubſtantially repreſented, it is recommended to the reader to peruſe *The Uſe and Abuſe of Parliaments*; alſo, *A Detection of the Parliaments of England*, publiſhed in 1744; and the late maſterly ſpeech of Mr. *Fox* in the debate on Mr. *Grey's* motion for a reform of the houſe of commons. A paſſage in that ſpeech will illuſtrate what I have advanced reſpecting the ſovereignty of the *one hundred and fifty-four*. "I cannot," ſays the ſpeaker, "approve of the very ungracious manner in which I ſometimes hear expreſſions of contempt for the opinion of conſtituents; they are made with a very bad grace in the firſt ſeſſion of a ſeptennial parliament, particularly if they come from individuals, who in the concluding ſeſſion of a former parliament did not ſcruple to court the favour of the very ſame conſtituents, by declaring that they had voted againſt their conſcience in compliance with their deſire, as was the caſe with an honourable alderman of the city of London. But, ſir, there is one claſs of conſtituents whoſe inſtructions it is conſidered as the implicit duty of members to obey. When gentlemen repreſent populous towns and cities, then it is diſputable whether they ought to obey their voice, or follow the dictates of their own conſcience; but if they repreſent a noble lord, or a noble duke, then it becomes no longer a queſtion of doubt; he is not conſidered as a man of honour who does not implicitly obey the orders of his ſingle conſtituent. He is to have no conſcience, no liberty, no diſcretion of his own; he is ſent hither by my lord this, or the duke of that, and if he do not obey the inſtructions he receives, he is not to be conſidered as a man of honour and a gentleman. Such is the mode of reaſoning that prevails in this houſe. Is this fair? Is there any reciprocity in this conduct? Is a gentleman to be permitted, without diſhonour, to act in oppoſition to the ſentiments of the city of London, of the city of Weſtminſter, or of

" Briſtol; but if he dare to diſagree with the duke, or lord, or baronet, " whoſe repreſentative he is, then he muſt be conſidered as unfit for the " ſociety of men of honour *.

" This, Sir, is the chicane and tyranny of corruption; and this, at " the ſame time, is called repreſentation. In a very great degree the " county members are held in the ſame ſort of thraldom. A number of " peers poſſeſs an overweening intereſt in the county, and a gentleman " is no longer permitted to hold his ſituation than as he acts agreeably to " the dictates of thoſe powerful families. Let us ſee how the whole of " this ſtream of corruption has been diverted from the ſide of the people " to that of the crown;—with what a conſtant, perſevering art, every " man who is poſſeſſed of influence in counties, corporations, or bo- " roughs, that will yield to the ſolicitations of the court, is drawn over " to that phalanx which is oppoſed to the ſmall remnant of popular " election; I have looked, ſir, to the machinations of the preſent mi- " niſter in that way, and I find that, including the number of additional " titles, the right honourable gentleman has made no fewer than *one* " *hundred and fifteen* peers in the courſe of his adminiſtration; that is to " ſay, he has beſtowed no fewer than one hundred and fifteen titles, in- " cluding elevations from one rank to another! How many of theſe are " to be aſcribed to national ſervices, and how many to parliamentary " intereſt, I leave the houſe to inquire. The country is not blind to " theſe arts of influence, and it is impoſſible that we can expect them " to continue to endure them."

It cannot at this rate be long, ere a large majority of the houſe of commons will be returnable by *peers only*. And thus we ſee that if Mr. *Pitt* has been foiled in his attempts to overthrow the new conſtitution of *France*, he knows but too well how to ſubvert the old one of *England*. How long will the treacherous apoſtate be permitted to continue in this career! How long will it be ere our iſland with one voice ſhall demand the diſbanding of that deſolating borough-corps, which, under this great captain of corruption, has made ſuch inroads on our liberties, and laid this aggrieved nation under ſuch heavy contributions!

If any deſire to know what is yet to come, from the law-making of borough parliaments—for in the progreſs of uncontrouled power there is neither ſtop nor ſtay—let them turn their eyes to *Ireland*. " It was " objected," ſays Mr. *Grattan*, " with more ſucceſs, that the conſti- " tution of boroughs, however in theory defective, has worked well in " fact; but it appeared to us that this was an hiſtoric error—we ſtated " in anſwer to that objection, that the birth of the borough inundation " was the deſtruction of liberty and property; that James I. the king " who made that inundation, by that means *deſtroyed the titles* of his " Iriſh ſubjects to their lands, without the leaſt ceremony—the robbery " of his liberty was immediately followed by the robbery of his pro- " perty; for rely on it, the king that takes liberty, will very ſoon take " away property; HE WILL ROB THE SUBJECT OF HIS LIBERTY BY IN- " FLUENCE, AND THEN HE MAY PLUNDER HIM OF HIS PROPERTY BY " STATUTE †. There were at that time, the hiſtorian adds, interior

* On the ſubject of *inſtructions* to *repreſentatives*, the reader would find great ſatisfaction from reading *Lectures on Political Principles*, p. 150.

† Mr. *Grattan*, it is plain, ſees the true diſtinction between taxing and plundering. If money be *given* and *granted* to the executive power, by the *real* repreſentatives of the people, they are TAXED: if voted away by any other deſcription of perſons whatever, they are PLUNDERED. If, through the operation of unjuſt and anticonſtitutional

" grievances: what were they? *martial law and extortion by the ſoldiers,* " *in levying the king's duties;* a criminal juriſdiction exerciſed by the " *caſtle chamber*, and a judicial power by *the council.* Theſe inferior " and thoſe ſuperior grievances amounted to no law at all. How could " it happen, ſays the hiſtorian, that the king could do all this with ſo " ſmall an army, ſeize the properties of the ſubjects, and tranſport the " inhabitant? I will preſume to conjecture—the king had another in- " ſtrument, more ſubtle and more pliable than the ſword, and againſt " the liberty of the ſubject more cold and deadly,—a court inſtrument, " that murders freedom without the mark of blood; palls itſelf in the " covering of the conſtitution, and in her own colours, and in her " name, plants the dagger—A BOROUGH PARLIAMENT *."

Again: " He, the deputy, had, ſaid the hiſtorian, two great objects " —one was to fleece the people of Ireland, and the other was to cheat " them:—to get the money, and elude the graces. He ſucceeded:— " Why? Becauſe there was another, a third inſtrument, worſe than " himſelf—A BOROUGH PARLIAMENT:—That borough parliament met, " it voted ſix ſubſidies, and redreſſed nothing. This is virtue and " public ſpirit, in compariſon to what it did after: After committing " theſe crimes for which the deputy juſtly loſt his head—after having " ſeized part of the province of Connaught—after the inflicting martial " law—monopolies—raiſing an army againſt law—and money to pay " that army againſt law—after fining and confining againſt law—THE " BOROUGH PARLIAMENT vote that deputy an extraordinary ſupply, " and in the preamble of the act they paſs on that deputy an extraordi- " nary panegyric, with ſuch a thorough conviction of his iniquity and " their own, that they after *impeach that very miniſter for thoſe very acts,* " and record a proteſtation againſt the record of their own panegyric, " to give way to the meanneſs of another BOROUGH PARLIAMENT, who, " on the return of his family, cancel the record of the proteſtation to " reſtore the force of the panegyric.—Maſſacre—confuſion—civil war " —religious fury, followed naturally and of courſe. Here you ſee (in " *a borough parliament)* hatched and matured the egg that produced the " maſſacre, and all that brood of mortal conſequences."

So much, then, for the *practical* effects of BOROUGH PARLIAMENTS in Ireland, where the proprietors of boroughs, and the ſervants of the crown, have had the voting away of the people's money.

Behold the plain ſenſe and ſober wiſdom of Engliſh *America.* In *ſeventeen* nations, you do not in a ſingle inſtance ſee the ſame men the moving ſprings of *executive* power, and at the ſame time *legiſlators*, to beſtow approbation and ſupport on their own acts; nor do you ſee any of thoſe ſervers of God and Mammon, who pretend to ſerve two maſters in oppoſite intereſts with equal fidelity. Neither are any ſuch to be found, under the new conſtitution of *France* †. You do not ſee *Reubel*

LAWS, all aids to the executive power, ſhould come to be voted by perſons who did not repreſent the people, could ſuch a people be ſaid even to have *legal* protection?

* The paſſion for arbitrary dominion, like every other vice, is ſhort ſighted. Its very inſtruments become in the end its deſtruction. Kings form ſtanding armies, which in time ſet up and put down, create and murder, kings at their pleaſure. Kings contrive borough parliaments, which, although for a while convenient inſtruments, at length turn the tables: finding, like ſtanding armies, their own ſtrength, they in the end ſeize to themſelves the ſolid dominion. What is likely to be the final conſequence to *kingly power*, from repreſentative aſſemblies depending neither on kings nor people, it is for kings and their honeſt counſellors well to conſider.

† *See Legiſlative Rights of the Commonalty vindicated*, p. 9. 179. publiſhed *twenty* years ago; in which the doctrine is laid down.

or *Reveilliere Lepaux* ſkipping, like harlequins, from the cabinet to the legiſlature, from the legiſlature to the cabinet; here, in the ſhape of executive directors; there, in the form of popular deputies; here, declaring war; there, voting to themſelves ſupplies; one moment, iſſuing raſh and inſidious proclamations to the people; and the next, as repreſentatives of the people, *moving* addreſſes, and pronouncing panegyrics on their own performances; nor do you ſee them in the morning, penning as executive directors a meſſage to the council of elders and council of five hundred; and in the evening, as members of thoſe councils, *propoſing* and *voting* thanks for the moſt gracious meſſage from the directory. No: neither in *America* nor in *France* do we ſee any of theſe things *; and yet, even in the latter country, where we know the calamities and ſeverities of that revolution which has given them freedom muſt have made a vaſt number of individuals in the higheſt degree diſaffected and hoſtile to the government, we ſee the government completely ſupported by two councils of popular repreſentatives, *amongſt whom it cannot command a ſingle vote.* The man in either of thoſe countries who ſhould maintain the doctrine (ſo common in another country which ſhall be nameleſs) that, *without an influence to command a majority*, government could not be conducted, might think himſelf well off, if he eſcaped the reputation of a knave, by being branded as a fool.

Conſidering the lamentable ignorance of our conſtitution, which rendered it poſſible for ſuch ſtatutes as the diſfranchiſing act, the triennial and ſeptennial acts, firſt to paſs at all, and then to continue ſo long unrepealed, we muſt not wonder, if we find even parliaments of our own day not yet ſo fully impreſſed with, and attentive to, the diſtinction between the conſtitution and the law, ſo clearly pointed out by lord *Abingdon*, and ſo ably eſtabliſhed by other modern writers, as to be free from miſtakes. A very palpable miſtake, which an attention to his diſtinction might have prevented, may be ſeen in the two well known acts of Mr. *Pitt* and lord *Grenville*, paſſed in December 1795; both of which ſpeak of "the government and conſtitution of this realm as *by law* "eſtabliſhed;" from whence it clearly appears, parliament had fallen into the error of ſuppoſing the *deſcendent capable of begetting the progenitor*; an error ſufficiently refuted, I truſt, in theſe pages †.

But if *law* could *make* us a conſtitution, it could of courſe *unmake* it again; becauſe thoſe who make *laws*, can alſo repeal them. What a bleſſed ſituation we ſhould then be in, with the happineſs of having it in the power of the *one hundred and fifty-four*, to make and unmake conſtitutions for us at their good pleaſure ‡! But, in the debate on the *duke of Bedford's* motion, of the 30th of May, where was the *recollection*, and where the fairneſs, of my good lord *Grenville*? If the Morning Chronicle of the next day report faithfully, his lordſhip then ſaid, that "to "take away the elective franchiſe" [almoſt totally to diſfranchiſe all corporations at a bruſh, to make a new diſtribution of the country into departments, to ſtrike at all property, ſecure conteſts, and change the

* Nor will they, if our remark, p. 6 be founded in a knowledge of human nature, be ſeen in *Holland*, in *Belgium* or in *Italy*, nor in the new republic juſt ſtarting up on the banks of the Rhine. † See in particular p. 12, 31, &c.

‡ I perfectly well recollect that the crown and the peers muſt alſo be parties: but that recollection, whether I conſider the mere *nature* of thoſe branches of the legiſlature, or the large ſhare of the people's branch to which both have already helped themſelves, does not the more reconcile me to the making or unmaking conſtitutions for us, in the preſent ſtate of our repreſentation.

whole frame of our conſtitution] " was a violation of" [inheritance and of] " fundamental rights, which the two houſes of parliament *were not* " *competent* to enact, and to which his majeſty *could not* give his aſſent."

Now, for the benefit of ſuch of my plain country neighbours as are not verſed in the dexterities of orators, I have incloſed in hooks all the gibberiſh of this piece of eloquence, thrown in by the orator for obſcuring the queſtion, which in its own nature is a very plain one. I have already ſhown by what means the ſovereignty and the purſe of the nation have, in effect, fallen into the hands of the faction of *one hundred and fifty-four*; which all intelligent friends of reform think the ruin of our conſtitution and liberties: lord *Grenville*, in the ſame ſpeech, calls this " the preſent happy ſyſtem." The duke of *Bedford*, while arguing for a change of men and *meaſures*, had declared that, " the *moſt* ſalutary change " would be a change in the repreſentation of the people:" Such a change, ſaid lord *Grenville*, almoſt in the very words of our counter-petitioners, " went to the *direct overthrow* of our *preſent* ſyſtem, in church " and ſtate *."

This, however, is only clumſy aſſertion; but his lordſhip's dexterity conſiſts in mixing with what I call his gibberiſh, a mention of " the " elective franchiſe" and " fundamental rights," and then, upon the ſtrength of theſe ingredients in his premiſes, drawing his concluſion againſt the competency of the king and two houſes of parliament united, to violate the rights mentioned in his premiſes; the whole of which he aims artfully to paſs off as " *fundamental*."

Although it was convenient at the moment, to throw about his duſt, of " departments," " conteſts," " corporations," " property," and " in- " heritance," his lordſhip could not be ſo groſsly ignorant of the conſtitution, as really to think and believe the elective franchiſe, which is truly a right inherent and " fundamental" in every Engliſh commoner, was, like a *property* in chattels, capable of being juſtly *accumulated* in private hands; or monopoliſed by the celebrated *corporations* in Cornwall, to the prejudice of common right; and ſo made a ſaleable commodity, tranſmiſſible with eſtates in old houſes, or THE STONES IN A WALL †, as an *inheritance*, for commanding the ſeats in the houſe of commons. Nor, although his brother of *Buckingham* diſpoſes of *ſix* of thoſe ſeats, and his couſin of *Camelford* of *two*, and other peers have the diſpoſal of about *one hundred and forty more* ‡, which do for the preſent ſcandalouſly paſs as an *inheritance* from father to ſon, we cannot pay ſo ill a compliment to his lordſhip's underſtanding, as to imagine him ſo ridiculous, as to dream of ſeats in the houſe of *commons* by hundreds, being the " fundamental rights " and inheritances" of *peers* of the realm. It is, therefore, perfectly clear, that the words I have incloſed within hooks are either nonſenſe or ſuperfluous; and that thoſe which remain, contain all the conſtitutional meaning to be found in the paſſage.

* " I ſpeak therefore on the queſtion, though perſonal to myſelf, becauſe I believe " that his majeſty's miniſters poſſeſs the confidence of the people; and becauſe *their* " *continuance in power* is eſſential to the preſervation of *the preſent happy ſyſtem*." See the ſpeech.

† Certain ſtones in the park wall at *Midhurſt*, marked 1, 2, 3, &c. ſhowing the ſpots where once ſtood burgage houſes; each of which ſtones on a day of election, either voted itſelf, or communicated a power to ſome perſon to vote for it. I am told that theſe ſtones, which, when I ſaw them ſome years ago, were rather vain of their " elective franchiſe and and fundamental rights," and oſtentatiouſly ſhowed themſelves to every traveller on the adjacent road, have grown more modeſt of late, and retired to the inſide of the wall or elſewhere out of ſight.

‡ See page 4.

But, were this point even doubtful, it cannot poſſibly be diſputed, but that I have his lordſhip's complete ſupport to the doctrine maintained in theſe pages, that, "TO TAKE AWAY THE ELECTIVE FRANCHISE" of Engliſhmen, "IS A VIOLATION OF FUNDAMENTAL RIGHTS, "WHICH THE TWO HOUSES OF PARLIAMENT WERE NOT COMPETENT "TO ENACT, AND TO WHICH THE KING COULD NOT GIVE HIS ASSENT *." Repeal, then, O! ye legiſlators, thoſe violating and ſpurious laws I have pointed out, *which have abſolutely taken away the whole of the elective franchiſe from a vaſt majority of the people, and which deny it to the remnant of them for ſix parts in ſeven of human life!* From the doctrine maintained by lord *Grenville*, his lordſhip muſt know that the ſtatutes referred to, "BE NOT STATUTES BUT CORRUPTIONS;" and being "INCOMPATIBLE WITH THE CONSTITUTION, ARE IN THEMSELVES "VOID."

Before lord *Grenville* ſhall again play the orator on the ſacredneſs of "fundamental rights," which not even the united powers of the legiſlature may violate, it is to be hoped that his lordſhip will be prepared to inform us, how thoſe *peers* of the realm who *have* violated the "fundamental rights" of the commons to the degree I mention, are to be dealt with. "With regard to the election of knights, citizens, and "burgeſſes, we may obſerve, that herein conſiſts the exerciſe of the democratical part of the conſtitution: for in a democracy there can be "no exerciſe of ſovereignty but by *ſuffrage*, which is *the declaration of "the people's will.* In all democracies therefore it is of the utmoſt importance to regulate by whom, and in what manner, the ſuffrages are "to be given. And the Athenians were *ſo juſtly jealous* of this prerogative, that *a ſtranger*, who interfered in the aſſemblies of the people, "was puniſhed by their laws with *death:* becauſe ſuch a man was "eſteemed guilty of high treaſon, *by uſurping thoſe rights of ſovereignty, to "which he had no title.* In England, where the people do not debate in "a collective body, but by repreſentation, the exerciſe of *this ſovereignty* "conſiſts in *the choice of repreſentatives* †." Mr *Pitt*, *ſome years ago*, was highly ſcandaliſed and offended at one particular *ſtranger* — the nabob of Arcot — having "interfered in the aſſemblies of the people," ſo as to ſeat in the houſe of commons *ſeven* or *eight* members: and has not my good lord *Grenville* one particle of indignation, for thoſe *coronated ſtrangers*, who ſo treaſonably interfere in "the choice of repreſentatives" of the commons, as already to uſurp *one hundred and fifty* of the ſeats in the democratical part of the conſtitution? And where, I would aſk, is the difference in the *intention* (which is the eſſence of every crime), between him who is the *violator* of a conſtitution, and him who to the utmoſt of his power ſupports and upholds the *violation*, proving by his arguments that he perfectly well knows the crime he is committing? And is not this noble lord, who is reported thus to have built his argument on *the main principle of the reformers*, one of thoſe who have been moſt ſtrenuous in proſecuting others even unto death, for maintaining and acting upon that principle? Such is the wide difference, in a certain ſtate of a government, between private individuals aſſerting true principles in ſupport of reform, and men in power inſidiouſly applying the very ſame

* Was it then, for nothing, that my lord *Grenville*, and his couſin *Pitt*, who knows as well as lord *Abingdon* that law is *not* the creator of conſtitutions, uſed the phraſe, "the government and conſtitution of this realm as BY LAW eſtabliſhed?" It is a queſtion very fit for the reader's meditation.

† *Commentaries*, I. 170.

principles, to uphold the corruptions which deſtroy freedom, and ruin a nation!

And here the reader will find my remarks on *Blackſtone* fully juſtified: for his ideas of the *conſtitution* were ſo extremely confuſed and inaccurate, and his notions of parliamentary power, through the influence of his profeſſional ſtudies, ſo extravagant, that he ſays, "parliament can "*change* and *create* afreſh even the conſtitution of the kingdom and of "parliaments themſelves, as was done by the act of union, and the ſeveral "ſtatutes for *triennial* and *ſeptennial* elections*." It is perfectly aſtoniſhing that the penning of ſuch a paragraph ſhould not ſtagger a mind naturally ſo ſtrong as his, and lead it to conſider not only on the *principles* to be ſacredly attended to for preſerving the purity of parliament, but on the proper *limits* of parliamentary authority; eſpecially as he was by no means blind to conſequences. "For if ever it ſhould happen," ſays he, "that the *independance* of any one of the three branches of "the legiſlature ſhould be loſt, or that it ſhould become ſubſervient "to the views of either of the two, there would ſoon be *an end of our* "*conſtitution* †."

And he adds theſe remarkable words. "The legiſlature would be "*changed* from that, which was originally ſet up by *the general conſent* "*and fundamental act of the ſociety*; and ſuch a change, however effected, "is according to Mr. Locke (who perhaps carries his theory too far) "at once an entire diſſolution of the bands of government; and the "people are thereby reduced to a ſtate of anarchy, with liberty to con-"ſtitute to themſelves a new legiſlative power." The word "perhaps" in this paſſage is evidently a mere apology to his courtly readers, for quoting a doctrine he approved; for had it been rejected by his underſtanding, it ought to have been altogether rejected in his reaſoning. Here then, we find a *conſtitution* diſtinct from *law*, a "*general conſent and* "*fundamental act of the ſociety*," which is ſo ſacred *it cannot be changed* without even diſſolving all the bands of ſociety; and it is pronounced that ſuch a diſſolution has actually taken place, whenever any one branch of the legiſlature is become either *dependent* or *corrupt*.

In the idea of "changing and creating afreſh," the power of *abolition*, *deſtruction*, and *annihilation* is neceſſarily included. Now, retain but the proper diſtinction in your mind, between a *conſtitution* and a *law*, and then it will be ſeen our learned lawyer, in the paſſage firſt quoted, maintains that which is equivalent to aſſerting, that a child may at his diſcretion rightfully imbrue his hand in the blood of his parent, and deſtroy and annihilate his exiſtence. But in the laſt paſſage, taken from his introduction, and conſequently laſt written, he ſets all right again. Now, mark the danger of error reſpecting the *principles* of government; and the extreme to which a *Blackſtone* is carried, by not fully underſtanding the nature and happy ſimplicity of *political liberty*. While deſcribing our *conſtitution*, he ſpeaks according to a natural ſenſe of what is right, when he ſays, "the legiſlature of the kingdom is entruſted to three di-"ſtinct powers, entirely *independent* of each other: firſt, the king; ſe-"condly, the lords ſpiritual and temporal, which is an ariſtocratical aſ-"ſembly of perſons ſelected for their piety, their birth, their valour, or "their property; and thirdly, the houſe of commons, *freely choſen by the* "*people from among themſelves*, which makes it a kind of democracy ‡." And he had a faint notion of the reform which was wanting, when he

* *Commentaries, I.* 161. † *I.* 51. ‡ *I.* 50.

obſerves, " not that I aſſert it is in fact quite ſo perfect as I have here en-
" deavoured to deſcribe it; for, if any alteration might be wiſhed or
" ſuggeſted in the preſent frame of parliaments, it ſhould be in favour
" of *a more complete repreſentation of the people* * ."

But when contemplating the poſſible *corruption of parliament*, knowing " that England can never be ruined but by a parliament †," and being convinced that to preſerve " the rights and liberties of Engliſhmen from " violation, it is neceſſary that the conſtitution of parliament be ſupport-
" ed *in its full vigour* ‡," he does not, as the parliamentary reformers now do, ſhew *how* this " full vigour," when once loſt, is to be reſtored; he does not, as they now do, enlighten the public mind, by explaining the true and ſole foundations on which *political liberty* ſtands; nor does he, like them, inculcate this peaceable doctrine — " If it ſhall once be ſeen " and felt by parliament, that the nation in general underſtand their " rights, their petitions will then undoubtedly bring about the wiſhed-for " reform; and although the diſeaſe be in parliament itſelf, the cure will " nevertheleſs be performed by the authority of king, lords, and com-
" mons, in parliament aſſembled;" but, apparently conceiving a parliament once corrupted, as incapable of ſelf-regeneration, he calls the corruption of parliament " a diſſolution of the government," and points to no other means of getting rid of the miſery of ſuch a ſituation, but to the rights and powers inherent in the people, who may by a new " general " agreement and fundamental act of ſociety," " conſtitute to themſelves " a new legiſlative power;" which of courſe might be in what form they ſhould pleaſe.

With ſuch doctrine as this in the oracle of our *Law*, have a *Skirving*, a *Palmer*, a *Gerald*, and a *Muir*, been tranſported to *Botany Bay*, for being parliamentary reformers! while apoſtates from liberty and the conſtitution are the rulers of the land.

Since the foregoing obſervations have been in the preſs, we have witneſſed a moſt extraordinary event in the government of France. That the conſtitution of that country has been groſsly violated is manifeſt; and that the cauſe of liberty is thence for a while likely to ſuffer in the eſtimation of mankind, is much to be lamented. Whether an abſolute and imperious neceſſity dictated the meaſure, or it was the effect of a factious and arbitrary ſpirit, time will probably unfold.

The odium of the meaſure alluded to, ſeems to have been chiefly thrown upon the directory; and, if falſe accuſation were part of it, their criminality is great; but the legiſlative councils have been the grand violators of the *conſtitution*. To arreſt traitors in the act of rebelling or in the act of conſpiring to overthrow the government, was on the part of the directory a duty; and having carried the parties before the police, and laid the caſe before the legiſlature, the executive functions on ſuch an occaſion were at an end; nor does it appear the directory went farther: but the two councils have acted as if no conſtitution, but their own good pleaſure, exiſted; having aſſumed and exerciſed extravagant and unwarrantable powers, without the ſmalleſt regard to juſtice or to law.

It was their office, firſt, to have decided whether or not there was ground for accuſation; and then, in caſe of agreeing there was ground, to have created by their proclamation the high court of juſtice preſcribed by the conſtitution, and to have delivered up to that court the per-

* *Commentaries, I.* 172. † *I.* 161. ‡ *I.* 144.

ſons accuſed. Inſtead of this, as if poſſeſſed of deſpotic power, they refuſe the accuſed any trial at all, but condemn them unheard, and inflict on them an horrid ſentence, in a mode the moſt iniquitous; that is, by an *ex poſt facto* law.

Notwithſtanding the degree of influence which may ſtill be ſuppoſed to remain with the prieſts, the nobles, and the royaliſts, and that the fabric of their government has not yet had time to ſettle well on its foundations, it is difficult to conceive that nothing ſhort of ſuch flagrant injuſtice could ſave the ſtate. If, indeed, ſuch a violation of the forms and proviſions of their conſtitution were abſolutely neceſſary to preſerve its exiſtence, againſt a faction bent on the reſtoration of deſpotiſm, the French rulers will owe it to their country and to mankind, to produce in due time the proper vindication of their conduct.

A *pretender* is a very convenient bug-bear. It was in *England* the exiſtence of a *pretender*, and the intrigues imputed to his partizans, which furniſhed the pretended neceſſity for our *ſeptennial act*. It may therefore not be uninſtructive to compare the two caſes. By a groſs violation of juſtice in *France*, in the perſons of a conſiderable number of eminent perſons, the crime of the government is as it were perſonified; it talks in our view like a character on a ſtage; it becomes palpable to the dulleſt intellect, it touches the moſt torpid feelings, and thus it makes an indelible impreſſion on every mind; beſides which, the act is ſo recent, as to have the ſame effect as if ſtill preſent before our eyes. Whereas reſpecting the injuſtice committed by the parliament of *England*, in paſſing the ſeptennial act, the caſe as to the preſent generation is far otherwiſe: the act paſſed fourſcore years ago, nor did its baneful operation attach particularly on diſtinguiſhed men, as martyrs on the occaſion, to excite our ſympathy, and body forth to our imaginations the violation of our conſtitution. In our caſe, a greater ſhare of conſtitutional knowledge, a more refined ſenſibility, and an elevated ſenſe of the value of political liberty, are neceſſary for comprehending and feeling the injuſtice of the act; although the wrong were infinitely more extenſive in its nature than that which a few Frenchmen have recently experienced, and inexpreſſibly more pernicious in its conſequences. If any in *France* have been injured, they are *individuals*, accuſed of the greateſt of political crimes, an attempt to ſubvert a free government and erect on its ruins an odious deſpotiſm, through the means of aſſaſſination and civil war: whereas in *England* the parties grievouſly wronged were *the whole nation*, and by means which, as far as they go, are a complete ſubverſion of freedom.

The true diſtinction of conduct between the French legiſlative councils of 1797, and the Engliſh parliament of 1716, is this: the French legiſlators have violated the *legal protection* of a few citizens accuſed of the greateſt crime; whereas the Engliſh legiſlators violated the *political liberty* of the whole people: the former trampled on certain principles held ſacred in every free government, which ever regards in an eminent degree perſonal ſecurity, and a pure adminiſtration of juſtice; but the latter trampled on the very firſt principle of all freedom, and that from which not only perſonal ſecurity and a faithful adminiſtration of the laws muſt flow, but without which no one of the benefits of the ſocial compact can be aſſured to a people.

The French councils have as it were ſtunned liberty by a rude and violent blow; but as the body politic is not thereby maimed or mutilated, as the conſtitution remains in all its forms, and the *political liberty* of

the people has not been incroached upon *, the injuſtice may not only end with the act, but it may ſerve as a leſſon for ſecuring the people againſt a repetition of ſuch violences. If worthy of liberty, they may conſequently vindicate its principles and ſtrengthen its foundations, and this very violation may be the cauſe of ſo doing. But it is not ſo, when the injury a people receives is the deprivation of their political rights and power, and the conſequent annihilation of their *political liberty*. From that moment, they have loſt all peaceable means of ſelf-preſervation, they are as a helpleſs herd before their drivers, diveſted of their characteriſtics of manhood, deliberation and free will, in all that relates to the management of their common concerns, and their whole property lies at the mercy of thoſe who have deprived them of their freedom, and who will never want pretexts for new taxes as long as the people have a ſhilling remaining.

To the French nation, the preſent act of violence may prove valuable experience; becauſe they are in a condition to profit from it; but the only knowledge which the people of England have gained from the ſeptennial act, and the two former ſtatutes of the ſame ſtamp, is, that the right of having a conſtitutional influence where laws and taxes originate hath paſſed from them; and that they are left, for redreſs of the greateſt of all political wrongs, to the effect of humble petitions, to be addreſſed to men who have every motive for rejecting them which can ariſe from ariſtocratic pride, pecuniary intereſt, and corrupt ambition.

In this ſituation, we muſt not be ſurpriſed they ſhould be told by an upſtart epiſcopal lord of parliament, "they have nothing to do with the "laws but to obey them;" nor that a new created peer and ſecretary of ſtate ſhould have the effrontery to declare, that the only laws which could give them redreſs, are what "the two houſes of parliament are "*not competent* to enact, and to which his majeſty *could not* give his aſ-"ſent." What! are king, lords, and commons competent to enact laws which deſtroy our liberties, and incompetent to repeal them!——— In the preſent fermenting ſtate of the human intellect on political eſtabliſhments, are ſuch councils for the peace of our country, or the preſervation of our conſtitution? —— Are they within the meaneſt notions of prudence or decency? —— And is it to ſuch hands our affairs are entruſted, in a conflict which has ſhaken every throne in Europe, and in a political ſtorm requiring pilots of conſummate wiſdom and the moſt conſpicuous integrity!

* I muſt not be underſtood to inſinuate that, by the conſtitution of *France*, the people are in full poſſeſſion of political liberty. In truth I think their ſyſtem very defective. A repreſentation of *a repreſentation* is not a repreſentation of *a people*. The ideas are clearly diſtinct. Such a repreſentation is a political *ſuppoſe*, on which a vigorous and healthy liberty cannot long ſubſiſt. If the electoral aſſembly, inſtead of chooſing the legiſlators, acted only as a committee for recommending proper perſons to the choice of the people, they might in extenſive departments anſwer a valuable purpoſe: whereas nothing but their own annual appointment by a ſuffrage nearly univerſal, and the eſtabliſhed excluſions, can prevent their degenerating into ſomewhat equivalent to our rotten boroughs. It is in theſe electoral aſſemblies the ſeeds of corruption will be firſt ſown. If once they can be made ſubſervient to faction, the conſtitution muſt be reformed, or it will be gone for ever.

The conſtitution ſays, "the members of the legiſlative body *are not repreſentatives* "*of the departments which nominate them*, but of the whole nation." This puts me in mind of a pleaſant child, who called a *ſquare* picture-frame *round*. The mother ſaid, "my dear it is *ſquare*:" the child maintained it was *round*. "You know, my dear," rejoined the mother, "the difference between ſquare and round, and you ſee this frame "is *ſquare*." "Pleaſe mamma," replied the child, "to let it be *round*." Pleaſe, therefore, good electors of *France*, to let your repreſentatives be *not your repreſentatives*;

But to return from this digreſſion on the late legiſlative meaſure in *France*, which has attracted ſo much attention, to the author we were conſidering, it may be obſerved, that ſo little indeed did *Blackſtone* underſtand the nature and true principles of political liberty, and ſo far was he from noticing the mortal ſtabs it received by the three ſtatutes in queſtion, that he even enumerates amongſt "the laws for aſcertaining, "limiting, and reſtraining the royal prerogative," and for aſſerting "our "liberties," "the act for triennial, ſince turned into ſeptennial elec-"tions*;" and as a lawyer he quotes the original ſtatute of *dis*-franchiſement as an authority, and with approbation; notwithſtanding his natural feelings of liberty and ſenſe of equity as a *man* had, on the very ſubject he was then diſcuſſing, and only in the preceding page, extorted from him this declaration. "If it were *probable* that every man would "give his vote freely, and without influence of any kind, then, upon "the true theory and genuine principles of liberty, every member of the "community, however poor, ſhould have a vote in electing thoſe dele-"gates, to whoſe charge is committed the diſpoſal of his property, his "liberty, and his life†."

Here, then, is the ſole ground and pretence, on which the firſt mortal ſtab was given to the political liberty of England: a bewildered lawyer's "probable!" the crafty ſtateſman's "probable!" the wealthy and proud man's "probable!" But he who wants to find the VENALITY which *has* ruined our country, muſt not with theſe bewildered or thoſe arrogant men look *downwards*, but in a contrary direction. The right to political liberty being inherent, unalienable, and fundamental, it is not to be held at the diſcretion of any. To thoſe who are without political liberty, legal protection is precarious; and their condition, correctly conſidered, is that of political ſlavery. It conſequently follows, that either to take away, or to with-hold political liberty, is tyranny. "Probable!" Good God! ſhall the human ſpecies whom thou haſt created rational and free, be thus deſpoiled of liberty and conſigned to the unſpeakable miſeries of enſlaved nations, for ſuch ſtupidities in argument! ——What pity it is that *Blackſtone* had not better known the uſe of his own maxim, that "the ſuppoſition of *law* is, that neither the king nor either houſe of parliament (collectively taken) is capable of doing any wrong‡!"

Monteſquieu, with his eye fixed on *England*, had ſaid, "all the inhabi-"tants of the ſeveral diſtricts ought to have a right of voting at the e-"lection of a repreſentative, except ſuch as are in ſo *mean a ſituation*, as "to be deemed to have no will of their own." Upon which the author of the admirable Lectures on Political Principles obſerves, "no mean-"neſs of condition, ſhort of ſlavery, correſponds with the deſcription. "That which verges nearly on it, is the condition of a courtier; of "the families of an ignorant, vicious, or needy nobility; or of a prieſt-"hood uniformly devoted to intereſt and views of preferment:—theſe "are the perſons to be excluded, if baſeneſs of mind, or meanneſs of "talents and circumſtances are to be conſidered as reaſons;——not "the honeſt, the laborious peaſant; not the ingenious or induſtrious "artificer, whoſe talents are the pillars of ſociety§."

and pleaſe to have a repreſentation of *a whole*, without a repreſentation of *the parts*; notwithſtanding this repreſentation is to be *created* piece-meal, *in* and *by* the parts!

* *Commentaries*, *I.* 334. † *I.* 170. ‡ *I.* 244.

§ Page 153, 155. Although, in the paſſage here quoted, there is a degree of ſatire which may probably prejudice the reader againſt the work referred to, he may be aſſured he will find it a work of very ſuperior value.

" Crimes there may be, which ſhould diſfranchiſe particular citizens " on conviction, but all orders, affected by the laws, ſhould have ſuf- " frages, in conſtituting legiſlators."

As abſtract arguments, however clear and ſtrong, do not affect all minds alike, it may not be amiſs to put the injury done the commons of this country into ſome viſible ſhape, and to place it in a familiar point of view. Let us then put it in the form of a numerical calculation, ſuppoſing the original paſturage on the common of liberty to be expreſſed by the number *ſeventy*. This common-right then, by the firſt incroachment, or violation, under *Henry VI.* is reduced from *ſeventy* to *ſeven*; and by the laſt, under *George I.* is cut down to an unit. From *ſeventy* it becomes only *one*: and even this *one*, by the borough traffic, is ſoon reduced to what is algebraically expreſſed by the word *minus*, ſignifying *leſs than nothing*. Such then, be the forms and flouriſhes what they may, is the true ſtate of our account, as written in the book of our national ſtewards. What ſignifies to us, the ſuperb binding, ſparkling crowns, and gilded coronets, which decorate the gaudy cover of the book, if ſuch within be its melancholy contents?

But ſome may ſay, we are not even yet " *convinced*;" becauſe we of a certainty know, that we ourſelves and thouſands beſides have *votes*; and therefore, according to your reaſoning, as we underſtand it, *we at leaſt* have political liberty. I anſwer: attend but to the *whole* of my reaſoning, and the fallacy will diſappear. *Political* liberty is eſſentially different from *phyſical* liberty. As far as no phyſical cauſe prevents my uſing my hands or my feet, I may either in *England* or in *Algiers* play on the fiddle or dance a jig, although others around me ſhould be chained hand and foot; and ſo far it is very clear, I enjoy *phyſical* liberty; which is altogether a perſonal enjoyment; whereas political liberty is a *ſocial* enjoyment or condition. A man's *political* liberty, then, is *his ſhare* of the *ſelf-government* of his country, or of that liberty it exerciſes in *making its own laws*. If *a decided majority* of that legiſlative aſſembly, which ought to be purely repreſentative, be no longer elected by the people, but appointed by an oligarchy, the political liberty of the country is not merely diminiſhed, but ſubverted and deſtroyed; becauſe the oligarchy have eſtabliſhed over it a power which is completely arbitrary, and can make what laws it thinks fit.

If a country ſo circumſtanced be no longer a free country, where is the *political* liberty of *the individual?* If the power of the country to make its own laws have become a non-entity, where and what, is the individual's *ſhare* of ſuch power? A ſhare in a non-entity, is a non-entity. And although a man were ſtuck as full of votes as the firmament with ſtars, if his country have loſt the power of making its own laws, by repreſentatives of its own choice, *he has unqueſtionably loſt his political liberty*. After this, trudging to the county town to diſpoſe of his vote, and trudging to market to ſell butter and eggs, are entirely on a par: like playing on the fiddle, or dancing a jig, they are equally evidences of *phyſical* freedom, or of legal protection; but that is all.

Thus, then, my friends and countrymen, I have appealed to your underſtandings and to your hearts, in the cauſe of liberty. With what ſucceſs remains to be ſeen. I perſuade myſelf the appeal will not be altogether fruitleſs; becauſe I believe I ſpeak the words of truth; and truth I know is powerful. Whether, with reſpect to the politics of the day, you be miniſterial or antiminiſterial, the cauſe is equally your own; and it is equally your intereſt to agree with me, if I be right.

Whatever may be my own ſentiments of our preſent miniſters, thoſe ſentiments, I am ſure, have in no wiſe influenced my arguments, touching the fundamental principles of civil government in general, or of our own conſtitution in particular. No change of miniſters has ever changed, or, I truſt, ever will change, the complexion of my politics. They were the ſame as now, when Mr. *Fox* was in power: they were the ſame as now, when Mr. *Pitt* was in oppoſition: and they were the ſame before the French revolution, as they have been ſince. This at leaſt furniſhes a preſumption that, whether or not I have found truth, I have at leaſt ſincerely ſought it. Party politics, therefore, I have none; but ſuch as I have, give I unto you.

SECTION VIII.

THERE is a ſhort paſſage in the counter-petition, on which different judgments have been formed, and by which ſome curioſity has been excited. In identifying the prior meeting to which the petitioners allude, they do not, after ſaying of what *deſcription of perſons* it was compoſed, *where* it aſſembled, and *when*, ſtop at *that* uſual reſting place; but, in a parentheſis they add ("at which meeting JOHN CARTWRIGHT, ESQ. was chairman.") Some will have it, but ſurely without ſufficient grounds of probability, that a perſonal compliment was here intended. The contrary will be learnedly, ſagaciouſly, and evidently proved, by the three very ſolid reaſons which follow: viz.

I. As the parties were aſſembled in a *patriotic* meeting, ſuch a proceeding would have been out of character, and quite inconſiſtent with the new order of things in meetings of that kind; for the old practice of *perſonal compliments* is exploded, and the rule now is to ſtick to *principle* only.

II. In the light of a compliment the parentheſis is undoubtedly ſubject to conſiderable difficulty; for a critic will naturally aſk, in what does the compliment conſiſt? Does it conſiſt, merely in announcing to the commons of Great Britain in parliament aſſembled, that a certain citizen had, at a certain civic meeting, been invited to the honours of the chair? Or does it conſiſt, in advertiſing him by name in the newſpapers; and holding him up to the borough-holders in the houſe of commons, as chairman of a meeting of incorrigibles, treaſonably conſpiring againſt *their majeſties, the one hundred and fifty-four*?

III. It could not be meant as a mere *private* perſonal compliment, becauſe the parentheſis had its *public* uſes; ſo that if any compliment at all were intended, it certainly was of a ſecondary nature, and made ſubſervient to the principal deſign. In fact, our ingenious counter-petitioners, ruminating on the plot of their little piece, perceived this parentheſis was an important feature of the drama;—the very main-ſpring of the machinery, and admirably contrived for ſtage effect. Remembering likewiſe their drama was of that peculiar ſpecies called the ſolenni-ludicro, or ſolemn-burleſque, by which *inward* mirth only is intended to be excited; and well knowing how difficult it muſt be for the houſe of commons to command its riſible faculties, while with demure ſolemnity they ſhould tickle its fancy by telling it, that *its own reform would ſubvert the conſtitution*, it was abſolutely neceſſary, by ſome ſudden and vehement ſhock of its delicate nerves, to produce a ſtrong anti-riſible ſenſation, and excite for the moment either anger, or terror, or horror, or other

grave and ſober paſſion; in order that it might be able to keep its countenance during the performance. How could ſuch an effect be ſo certainly produced, as during the innocent and gentle exordium of the piece, by cauſing to burſt unexpectedly on the gaze of the aſtoniſhed and alarmed houſe, this anger-rouſing, terror-moving, horrible "*black dog*" of reform? — this very raw-head and bloody-bones of univerſal ſuffrage! — What an admirable thought! What a grand idea! — How ſinks in the compariſon, O! *Burke*, thy dagger of *alarm*, with our counter petitioners' black dog of *reform!* — Nor was this happy ſtroke of rhetoric without its effect; for it is an undoubted fact, that a large majority did not ſo much as once laugh —— till they got out of the houſe; except inwardly; but that, indeed, to do juſtice to this admirable ſolenni-ludicro drama, we may be ſure they did moſt heartily.

The *parentheſis* of the counter-petition, it was incumbent on me, in common civility, not to overlook; and there is another paſſage in their curious compoſition, which, becauſe of the propoſal I have to make, muſt not be paſſed over unnoticed.

The counter-petitioners, ſay the original petitioners, "did not, *as they "verily believe*, expreſs the real ſentiments of the inhabitants in gene-"ral," — "but only of *a very ſmall number of perſons, &c.*" Had we, indeed, aſſumed the unwarrantable power of ſpeaking, either expreſsly or by implication, *for other men*; or had we, either in the title or the language of our petition, pretended that we expreſſed the general ſentiments of the town and neighbourhood, ſuch a declaration on their part might have been not only a proper reprimand of our preſumption and flippancy, but a duty alſo to that houſe of parliament, on which ſuch an impoſition had been attempted.

But as we had made no ſuch attempt, ſurely this extraordinary declaration, ſavouring a little of the very error for which we ſeem to be rebuked, might as well have been diſpenſed with; as neither very proper nor very decorous, in a petition to parliament. When our counter-petitioners repreſent that the neighbourhood do *not* agree with *us*, who think a reform wanting, I want to know, whether they intend parliament to underſtand, that the neighbourhood *do* agree with *them*, in thinking a reform would ſubvert the conſtitution, or that amongſt the "inhabitants in general of Boſton and its neighbourhood," there is *no opinion at all*. The compliment in either caſe, methinks, is not very great. Between the advocates for ſubſtantial reform, and thoſe who ſay it would ſubvert the conſtitution, there is certainly room for ſome ſhades of opinion; and, with ſuch as may wiſh to form a correct judgment, there may alſo be cauſe for heſitation and deliberation, before they ſolemnly expreſs that judgment. I therefore want to know the grounds, on which theſe gentlemen have aſſumed a right to intimate to parliament even in the modeſt form of an opinion, what *their neighbours* do or do not think.

Parliament had but two ſafe and rational modes of forming its own judgment, on the balance of opinion in our neighbourhood. *The number of ſignatures* for or againſt reform, would, as far as it went, be deciſive. Its next guide ought to be, *the intrinſic merit or demerit of the propoſition itſelf*. If evidently juſt and beneficial, parliament ought to conclude, that undecided opinion muſt at leaſt lean that way, and that it would daily increaſe in deciſion and ſtrength: if unjuſt and pernicious, parliament ought to preſume, that opinion in its favour muſt be weak, and would daily decline. But as forming its judgment on the "verily

believes" of the petitioning parties on either ſide of the queſtion would be extreme weakneſs; ſo I do not perceive any great wiſdom, in offering to a houſe of parliament ſuch a ground for belief and confidence.

But are our counter-petitioning friends ſo perfectly ſure, that only "a very ſmall number" of the inhabitants of Boſton and its vicinity can think with *us*; or that *a very great majority* muſt neceſſarily think with *them*, that a reform would ſubvert the conſtitution? On this ground, I am ſo far from fearing to meet them, that I invite them to an honourable conteſt, by a patient, fair, and complete canvaſs of the real opinion of the country. I challenge them to an exertion of their utmoſt might; and earneſtly exhort them to call forth all their ſtrength of conſtitutional knowledge, reaſon and argument. Nay, in a confidence that nothing but what is congenial with the true ſpirit of our conſtitution and the laws of honourable controverſy will be reſorted to, and that no attempts will be made to ſuppreſs a genuine declaration of ſentiment, I will very willingly throw into their ſcale the whole weight of miniſterial influence, and even then I ſhall not deſpair of the cauſe of reform proving triumphant.

The canvaſs I mention, is the object of the propoſal with which this Appeal will conclude; and the whole, indeed, is little elſe than my challenge in full form. Widely as we have hitherto differed in opinion, we muſt on both ſides be perfectly agreed, that the queſtion is truly important. *We* ſay to the legiſlature, 'Reform our repreſentation, that our conſtitution may ſurvive:' they ſay 'No: if you grant the reform, the conſtitution will be *ſubverted*.' This is, clearly, a queſtion for THE PEOPLE. And it is only by their acquiring on it a knowledge ſo complete, as to leave no heſitation on their minds about publicly declaring their opinions, that we can hope for either the preſervation of our conſtitution, *whatever it be*, or for any tolerable tranquillity and unanimity in ſupport of a good government.

It has been from a ſtrong ſenſe of the importance of this great queſtion, that I have endeavoured, in the preſent Appeal, to place it in a clear light. To ſuch as may think me in any particular miſled or in error, the field of diſcuſſion is open, and I requeſt to be ſet right. At all events let not our country be deprived of truth, for want of inveſtigation; nor let our endangered conſtitution ſuffer by our ſilence: But, on the contrary, let us, like rational beings, endeavour to aſcertain what that conſtitution IS; like Engliſhmen entitled to parliamentary repreſentation, let us inquire what parliamentary repreſentation MEANS; like men born to freedom, let us be certain that we know in what freedom CONSISTS; and, like friends, neighbours, and chriſtians, let our amicable conteſt, animated though it may be with the ardency of argumentation, and freely as we may uſe the honourable weapons of diſputants, yet be a conteſt in which it ſhall be manifeſt, that we only contend, who ſhall moſt effectually ſerve our common cauſe and country; and which party ſhall, in fact, confer on the other the higheſt political obligation: And ſo ſhall this virtuous conteſt, whether we be ſerious or ſportive, whether the eye flaſh with fire or the cheek dimple with the ſmile of ſatire, be conducted in the true ſpirit of manly candour and brotherly affection.

Hitherto our adverſaries both in and out of parliament, either confident of matchleſs ſtrength, or conſcious of inward weakneſs, as the reader ſhall pleaſe to determine for himſelf, have very much affected the laconic in their diſcourſe. Within doors, the cauſe of reform has at different periods been pleaded in a ſtyle of the moſt maſterly eloquence, by

a *Saville*, a *Sawbridge*, a *Grey*, a *Sheridan* and a *Fox*; as well as by a *Richmond*, a *Pitt*, and other ſincere patriots, whoſe arguments, drawn from conſtitutional rectitude and political expediency, penetrated with conviction every mind: They have uniformly been anſwered by the laconic eloquence of previous queſtions and votes.

We too, who have without doors exerted our reforming oratory, have by no means been ſparing of ſpeech; and, by much practice in drawing petitions, we are thought to have attained a tolerable knack at making them unanſwerable. When, indeed, we addreſs ourſelves to thoſe who do not abound either in the *good things*, or in *the wiſdom of this world*, we have no cauſe to complain of our ſucceſs: but when we reaſon with our rulers, of political righteouſneſs, temperance, and judgment to come, all the anſwer we get is, "Go thy way for this time; when we "have a convenient ſeaſon, we will call for thee."

Our counter-petitioning friends, by their coſtiveneſs of words, might very well paſs for humble dependents, paying their court to Felix; and whatever be the cauſe, they cloſely imitate the conduct of all thoſe who being immediately intereſted in upholding the ſyſtem of rotten-borough repreſentation, for their private emolument, would have us believe it is the conſtitution, and therefore avoid as much as poſſible ſaying any thing about it. Preſuming that any oppoſition to the reform of an evil which we hold to be of the greateſt magnitude and moſt fatal conſequence, ought, if it were but for the ſake of decency, to be ſupported by very ſtrong and very many reaſons; we, in favour of reform, deal out arguments in plenty: in return, they give us "verily believes." We urge plea upon plea, reaſon upon reaſon, and motive upon motive: They tell us of unargued "conviction." We ſhower down upon them reiterated interrogation, enthymeme, and demonſtration, and all the artillery of our logic: they coolly give us in exchange, *inference without premiſes*. We "urge them vehemently and provoke them to ſpeak of "many things:" Like the fat knight of facetious memory, they like not this compulſion: "Give a reaſon on compulſion! If reaſons were as "plenty as blackberries, they would give no man a reaſon upon com-"pulſion." In the warmth of our zeal, we appeal to the heart, the conſcience and common ſenſe, of every human being, and to that God who planted in the glorious garden of man's mind the principles of reaſon, of juſtice, and of liberty: They very laconically call us *ſubverters of the conſtitution*; and the only appeal they make, is to *a vote of a borough parliament*.———We are now to ſee, whether or not the challenge juſt given will induce them to be more communicative of their ſtores of political truth; and if they will have the charity to beſtow upon us for our inſtruction and guidance, any of thoſe reaſons which they have been ſo careful not to expend unneceſſarily.

Let us my friends, have but a ſingle handful of their REASONS, and the houſe of commons ſhall be heartily welcome to all the "*convictions*" and "*verily believes*" they can perſuade it to accept. That indeed was the right theatre on the occaſion before us, for *ſuch* exhibitions: as, not ſerious confidence, but inward mirth, as already explained, was the ſentiment to be excited by the ſolemn-ludicro little drama of our counter-petitioners. The contemptuous inſinuation of *our* inſignificance in numbers, and the ſolemn parade of *their* own vaſt ſuperiority, were therefore very properly introduced, in order to heighten the ridicule of the mirth-moving fact that was to follow. They formally attack our petition ſigned by only *one hundred and thirty-four* good men, and true friends to liberty and reform; and they make this formal attack in a counter-petition,

saying, rather than insinuating, that "*a very small number*" only are of *our* opinion: and in proof of this declaration, they exhibit to the house their own very numerous signatures, amounting to no less than —— *ninety-seven* "*verily believers.*" Reader, thou must not laugh; by the rules of the solemni-ludicro, thou art required to keep thy countenance, and if thou smilest it should be inwardly: and the more particularly so, out of respect to those ministers of religion who, with grave faces, signed this serio-comico counter-petition, hatched and brought forth amongst themselves on a visitation day.

Here then, for the present, we lay down the controversial pen, to take its rest, until our challenge have aroused the champions of "our pre-"sent" system of rotten-borough representation to brandish theirs, and give us a thrust or a dash, in return for such as we have bestowed upon them. If the writer, when the subject invited, have indulged in pleasantries, his own doctrines and conduct are equally fair game to a mirthful opponent, whenever they shall furnish just occasion for a smile or a laugh, and if any one will laugh him out of ruinous error, he shall receive his serious and most sincere thanks.

Having on numberless occasions made known his political opinions, and never having in any one instance promoted the interests of party to the prejudice of the public, while the inherent rights of men, and the fundamental rights and liberties of his country have invariably been the polar star of his political course; he has the satisfaction of knowing there is not an Englishman who may entertain towards him political enmity, to whom he cannot with propriety say, ——'Your political enmity is misdirected: turn it upon those who have undermined the constitution of your country, which I have toiled to secure;—upon those who have violated your rights, which I have a thousand times defended; and upon those who have aimed the shafts of destruction at liberties, which I, at the hazard of my own, and to the neglect of my private affairs, have strenuously laboured to preserve. Let both of us cease to listen to the pompous nonsense of party, and the vile delusions of faction; but, bound together by one interest, and one moral principle, to seek truth and promote justice, let us strive to extend this bond of union, until it shall embrace and secure whatever we comprehend, when we speak of our country.'

SECTION IX.

THE PROPOSAL I have now to offer, is borrowed from one lately circulated in some parts of the south. Its object is merely to collect the *public opinion* on the great question of REFORM. The plan is extremely simple, and is as follows:

1st. To circulate in every parish, for the signatures of such *taxed householders* as may approve thereof, a paper in the form No. I.

2ndly. To have the result published in one newspaper at least, by the person who collects the signatures, and in the form No. II; which form should be printed, and communicated to every person applied to for his signature to the first mentioned paper.

No. I.

We, who have hereunto subscribed our names, do declare it to be our opinion, that the representation of the people of Great Britain in the commons' house of parliament, is defective; and that it ought to be reformed, according to the principles of our excellent constitution.

No. II.

I do hereby certify that in the parish of ——— in the county of ——— there are ——— householders inhabitants who are assessed to the payment of parochial taxes, and that ——— of them have signed the following declaration;—"We who have" &c. [See No. I.] witness my hand, this ——— day of ——— 1797.

F——— F———

And that the parties I challenge may not complain of unfairness, on my canvass, I give them notice, that these forms will be accompanied with a paper in the form No. III. for the purpose of instructing the uninformed. Having endeavoured in that paper to compress much constitutional information into a small compass, the paper may have its defects and its omissions; which, for the sake of the public, it is to be hoped they will correct and supply.

No. III.

TRUTHS respecting LIBERTY and PROPERTY; and the means of preserving them by a REFORM in the representation of the people in the house of commons.

PRINCIPLES.

I. POLITICAL LIBERTY is the common right of all nations and of all men.

II. The political liberty of a NATION is its power of *self-government*.

III. That nation is not *self-governed*, which does not *make its own laws*, either in an assembly of the people (only to be done in very small states) or by a legislature, in which the nation is FAIRLY AND SUBSTANTIALLY REPRESENTED.

IV. There is no *representation*, where there is no *free election*.

V. The constitutional legislature of Great Britain consists of king, lords of parliament, and THE COMMONS IN PARLIAMENT ASSEMBLED.

VI. If *a single member* of the house of commons be seated there, by any other means than that of *free popular election*, the political liberty of the nation has received a wound.

VII. If one half of the house of commons were chosen by *five hundred* electors, and the other half by *five hundred thousand*, common right would be grossly violated, and political liberty highly endangered.

VIII. If *a majority of that house* should cease to be elected by *a majority of the men competent and entitled to elect*, the nation would cease to be *self-governed*; and, consequently, its *political liberty* would be destroyed.

IX. If, with impunity, either commoners could usurp seats in the house of lords, or lords of parliament could usurp an appointment to seats in the house of commons, the constitution would be shaken to its foundation.

X. The POLITICAL LIBERTY of MEN not being a mere personal, but a *social* condition, it is not complete unless the following essentials be enjoyed: viz.

1st. They must be *members* of a *self-governed* nation.

2dly. They must enjoy a fair share in electing the representatives of the nation.

3dly. Their rights of election must *not* be subject to any *unjust or unnecessary denial or* SUSPENSION.

MAXIMS AND OBSERVATIONS.

I. As nature sustains the human race by the produce of the earth, from year to year;—as she lays mankind under the necessity of arranging, according to the succession of the four seasons, those fundamental operations on which their very existence depends; and on which all the

comforts, conveniences, arts and elegancies of life, are built; thus compelling the nations to adopt an *annual* regulation and ſuperintendence of their affairs; it is hereby clearly pointed out by Providence to every nation, not to elect a repreſentative aſſembly for leſs than one complete revolution of the ſeaſons, called a year.

II. And, on the other hand, as each ſucceeding year brings with it its peculiar influences over the affairs of nations; ſo it is expedient that popular repreſentatives ſhould *not* be choſen for a longer term than one year; that ſo it may be in the power of the people, always to chooſe perſons the moſt fit for the ſervices required of them; as well as to get rid of repreſentatives, who may have been unequal to the taſk, or who may have neglected their duty, or betrayed their truſt.

III. But that the people ſhould elect a *new* parliament *every year*, is not only a matter of the higheſt political *expedience*, dictated by the laws of nature, and of ſelf-defence, but it is a poſitive *right*, eſſential to *political liberty;* becauſe, if a parliament ſhould continue for two years, or for three, or for four, or for any longer term, then the riſing generation, as they ſucceſſively, by arriving at man's eſtate, become intitled to ſhare in the election of legiſlators, are denied a ſacred birth-right, and their political liberty, *which is the ſource of all other rights and liberties in civil ſociety*, is unneceſſarily *withheld* and *ſuſpended;* which is palpably unjuſt.

IV. THE SEPTENNIAL ACT SUSPENDS THE POLITICAL LIBERTY OF THE WHOLE NATION FOR SIX PARTS IN SEVEN OF HUMAN LIFE!

V. *Political liberty* ought to be diſtinguiſhed from *legal protection*. They, whoſe property and perſons are defended by the *laws* of a country, againſt all perſons *except the legiſlators*, have *legal protection;* and ſuch *legal protection* was remarkably complete under the late king of *Pruſſia*, the moſt perfect deſpot in Europe; who ſuffered none but himſelf, *the ſole legiſlator*, to injure his ſubjects; but *political liberty*, beſides making legal protection *certain*, inſtead of *precarious*, defends a people even againſt *the legiſlators* themſelves; for if thoſe *who make the laws* are *annually choſen by the people*, they are dependent on the people; they are then the ſervants, inſtead of the maſters of their country; and they will of courſe be its defence againſt unneceſſary wars, unneceſſary taxes, and unneceſſary reſtrictions on perſonal liberty; nor will they enact *oppreſſive laws* of any kind.

VI. Where *political liberty* ſhould be wanting, *law* might become an engine of the moſt cruel oppreſſion. In ſuch a ſtate of things, it might doubtleſs be in the power of private perſons to obtain a redreſs of *private wrongs*, provided they were able to ſupport the expence of going to *law*. But, while *legal protection*, on being paid for, might be thus had by one individual againſt another, and the criminal who took a few pounds, or a few ſhillings, might be puniſhed; yet the whole nation, that is, *every man in his public capacity*, as a member of the ſtate, might be fleeced by grievous and ever-multiplying taxations, *according to law;* while the miniſters who contrived and executed the wrong, would obtain protection from puniſhment, and ſupport in their oppreſſions, by carrying on a traffic of corruption for places, penſions, peerages, and other gratifications, with thoſe who, without any dependence on the people, ſhould hold the public purſe.

And thus it might be, that while men had only *legal protection*, but were without *political liberty*, miniſters and their aſſociates in a corrupt ſyſtem would be without either controul or reſponſibility; and the PROPERTY of the nation would lie at their mercy, a defenceleſs prey, to be taken in juſt ſuch proportions as the patience of the people (a pa-

tience probably improved by military inſtructors) ſhould allow: and as the moderation of miniſters (a moderation promoted by the poſſeſſion of uncontrouled power) ſhould preſcribe.

FACTS.

The following particulars are extracted from a great variety of facts ſtated in a petition which was entered upon the journals of the houſe of commons, on Monday the 16th of May, 1793.

I. "That at the preſent day the houſe of commons *does not* fully and "fairly repreſent the people of England."

II. "Your petitioners complain, that the right of voting is regulated "by no *uniform* or *rational* principle."

III. "They affirm, that ſeventy of your honourable members are re- "turned by thirty-five places, where the right of voting is veſted in "burgage and other tenures of a ſimilar deſcription, and in which it "would be to trifle with the patience of your honourable houſe, to men- "tion any number of voters whatever, the elections at the places allud- "ed to being notoriouſly *a mere matter of form.*

IV. "EIGHTY FOUR individuals do by their own immediate authority "ſend ONE HUNDRED AND FIFTY-SEVEN of your honourable members "to parliament.

V. "Your petitioners are convinced, that in addition to the *one hun-* "*dred and fifty-ſeven, one hundred and fifty* more, making in the whole "THREE HUNDRED AND SEVEN, are returned to your honour- "able houſe, not by the collective voice of thoſe whom they appear to "repreſent, but by the recommendation of *ſeventy* powerful individuals, "added to the *eighty four* above mentioned, and making the total num- "ber of patrons altogether only ONE HUNDRED AND FIFTY-FOUR, who "return A DECIDED MAJORITY of your honourable houſe."

VI. "At the commencement of every ſeſſion of parliament, your ho- "nourable houſe reſolve, as appears by your journals, 'That it is a high "infringement upon the liberties and privileges of the commons of "Great Britain, for any *lord of parliament*, or any lord lieutenant of "any county, to concern themſelves in the election of members to ſerve "for the commons in parliament.'

"Your petitioners inform your honourable houſe, *and are ready to* "*prove it at your bar*, that they have the moſt reaſonable grounds to "ſuſpect that no leſs than ONE HUNDRED AND FIFTY of your honour- "able members owe their elections entirely to PEERS; and your peti- "tioners are prepared to ſhow, by legal evidence, that FORTY PEERS, in "defiance of your reſolutions, have poſſeſſed themſelves of ſo many "burgage tenures, and obtained ſuch an abſolute and uncontrouled "command in very many ſmall boroughs in the kingdom, as to be ena- "bled by *their own poſitive authority* to return EIGHTY-ONE of your ho- "nourable members."

VII. At the commencement of that parliament which *(within the life-time of old perſons now living)* firſt *ſuſpended* the elective franchiſe of the Engliſh nation, by the *triennial* act, the national debt was little more than *half a million* *. At the end of this year it will be above *four hundred and thirty-three millions* †.

VIII. Mr. PITT, when he became miniſter, found the intereſt of the national debt——*eight millions, forty five thouſand, and fifty-five pounds* per annum. At the end of the preſent year it will be *ſixteen millions, two*

* *Sir J. Sinclair's Hiſtory of the Revenue*, p. 93.
† *Morgan's Appeal of* 1797, p. 51, 37, 41, 9, 54.

hundred and thirty-ſeven thouſand, and twelve pounds per annum. "So that "in fact, he will in five years, have *more than doubled* the amount of all "the perpetual taxes that exiſted before his adminiſtration *."

IX. ——— "the laſt year," (a year in which were funded nearly *forty-three millions ſterling* *) "has been diſtinguiſhed, for the firſt time "in the annals of this country, by *a far greater expenditure* WITHOUT, "than *with* the previous conſent of parliament *."

X. It was moved to cenſure the miniſter for *thus* diſpoſing of public money; but the preſent houſe of commons ſcreened him by a vote, and the laſt houſe of commons permitted the ſame miniſter with impunity to aſſert within its walls, that "the crown had a right to "land in England foreign mercenary armies at its diſcretion, *with-* "*out the conſent of parliament*;" and both theſe houſes of commons have granted him large ſums of money for numerous *barracks* in different parts of the kingdom; although *judge Blackſtone*, in his *Commentaries on the Laws of England*, ſpeaking the language of our conſtitution, ſays, "the ſoldiers ſhould live intermixed with the people; no ſeparate camp; "NO BARRACKS; no inland fortreſſes ſhould be allowed †."

XI. Should peace be obtained within the preſent year 1797, the future annual taxes, for diſcharging the intereſt of the debt and defraying the expences of government, muſt be *twenty-ſix millions* per annum ‡; excluſive of tithes, poor-rates, and all other public aſſeſſments, amounting to at leaſt *ten millions* per annum more. If the war continue, debt and taxes muſt have an enormous increaſe.

	£.	s.	d.
XII. In the year 1796 the fees only paid at the war office amounted to - - - - - -	42731	11	11
In the ſame year Mr. Lewis, as firſt clerk, and deputy ſecretary at war, received as ſalary - -	1120	0	0
And as fees - - - - - - - -	17318	6	3
Total received, by one clerk in office, in one year	18438	6	3
In the ſame office and the ſame year, two clerks who had *retired*, one upon a penſion of 50*l.* per annum, the other on a penſion of 55*l.* per annum, but who it ſeems were ſtill allowed to ſhare in the fees, received in that form, and ſhared equally between them - - - - - - -	12020	18	8

* *Morgan's Appeal of* 1797, p. 51, 37, 42, 9, 54. † *I.* 414.

‡ *Morgan's Appeal*, p. 54.

PART THE SECOND.

SECTION I.

March, 1798.

FRIENDS AND COUNTRYMEN!

THE ſole motto of the former part of this Appeal, in the firſt edition, was, "*Let the galled jade wince*; *our withers are unwrung*." One galled jade has winced: and as he has not had the diſcretion to wince in ſecret, but has publicly evinced his ſoreneſs, with much fury, folly, and malignity, he muſt take the conſequences.

The motto abovementioned was originally applied *defenſively*; to ſignify that myſelf and thoſe with whom I concurred, had a perfect confidence in the rectitude of our conduct, in reſpect to a certain meaſure which by others had been cenſured. I did not indeed ſo ſoon expect, on the part of any adverſary, a wincing viſible to the eye of mankind, ſuch as we have lately ſeen. To this wincing, to the cauſe from whence it proceeds, and to the farther facts I have now to lay before you, it highly imports you to attend.

When ſome of us laſt year *petitioned* for a reform of parliament, others of the neighbourhood, as you know, had their counter-petition; in which was expreſſed a conviction of a very ſingular nature; a conviction that ſuch a reform as we ſought would *ſubvert the conſtitution*. We were *one hundred and thirty-four*; they, with the whole ſtrength of the miniſter, were *ninety-ſeven*; and yet they inſinuated, almoſt in the language of aſſertion, that only "*a very ſmall number*" agreed with us in *opinion*.

On the queſtion of the *conſtitution*, it is the grateful feeling of my mind, that, in reſpect of thoſe who are in truth its *ſubverters*, my APPEAL muſt have given ſatisfaction to every thinking and virtuous man; and I anxiouſly wiſh every honeſt Engliſhman would, after fair inquiry, lay his hand on his heart, and, in the awful preſence of God and his country, ſay, although it be but to his own inward mind, whether or not the ſubverters alluded to have left us any conſtitution at all.

Not pretending to know how *opinion* really did ſtand in this neighbourhood, but confident what muſt be the opinion of Engliſhmen when rightly informed, and extremely anxious, that, on a queſtion of ſuch infinite importance to them, they ſhould be rightly informed, I gave, in my APPEAL, a fair challenge to our opponents. I called on *you*, my neighbours, to "exerciſe your independent judgment;" I "appealed to your underſtandings and your hearts in the cauſe of liberty;" and I "challenged *them* to an exertion of their utmoſt might; and earneſtly

exhorted them to call forth all their ſtrength," *not indeed of corruption, intrigue, and intimidation*, but of CONSTITUTIONAL KNOWLEDGE, REASON, and ARGUMENT:" adding theſe *now* important words—"Nay, in a confidence that NOTHING BUT WHAT IS CONGENIAL WITH THE TRUE SPIRIT OF OUR CONSTITUTION, AND THE LAWS OF HONOURABLE CONTROVERSY WILL BE RESORTED TO, AND THAT NO ATTEMPTS WILL BE MADE TO SUPPRESS A GENUINE DECLARATION OF SENTIMENT, I will very willingly throw into their ſcale the whole weight of miniſterial influence: and even then I ſhall not deſpair of the cauſe of reform proving triumphant."

Now, gentlemen, mark how this challenge is accepted.

When I with others once more come forward, for aſcertaining the ſentiments of our neighbours, and in hopes of ſerving the great cauſe of our country—which at no time ever ſtood more in need of help from the honeſt part of her ſons—invite you again humbly to petition parliament for a redreſs of the deepeſt wrongs; and at the ſame time in the true ſpirit of fair and honourable challengers, lay before you, three weeks prior to the time of the propoſed meeting, the *reſolutions* we hoped you would adopt, what is the courſe taken by *Mr. Fydell*,* ?—If I form not a very wrong eſtimate of your feelings, it will not be found to merit your approbation.

I know, gentlemen, the language of our propoſed reſolutions is ſtrong: *ſo is the caſe that calls for that language.* I truſt I know the reſpect that is due to the legiſlature of my country: but I truſt I alſo know the reſpect that is due to its liberties, and to truth. It were indeed moſt devoutly to be wiſhed none of us were ignorant of what we all owe to our conſtitution; and that, by the calm dignity and the awful authority of the public voice, that ſalutary knowledge were duly impreſſed upon our commons' houſe of parliament! It is from a conviction that ſuch an impreſſion would produce a *peaceful* reform, that I think it the higheſt moral duty of my life, to promote that reform. It is alſo from a deep conviction, that if the public voice be not *ſoon* exerted to that end, our liberties muſt fall a ſacrifice to a fraudful and odious deſpotiſm, — never more to be recovered but by civil war and carnage, — that I feel myſelf bound to my countrymen, and to my ſpecies, to raiſe at leaſt my warning voice.

Here, gentlemen, are the propoſitions we publiſhed, and which I intended to move, viz.

I. That a debt of four hundred millions ſterling (of which about three hundred millions have been contracted within the preſent reign alone) doth abundantly manifeſt, that the houſe of commons, as now appointed, is inadequate to the guardianſhip of the public purſe.

II. That it is neither conſiſtent with the Engliſh conſtitution, nor promiſes a more faithful ſtewardſhip in future, that a very large proportion of the ſeats in the ſaid houſe ſhould be, as by the journals of the houſe we are informed they are, in the gift or diſpoſal of peers.

III. That it is equally inconſiſtent with the conſtitution, and dangerous in the extreme to our liberty and to our property, that a decided majority of the ſaid houſe ſhould owe their elections,—not to the collective body of the nation whom they are intended to repreſent †, but

* Repreſentative in parliament for Boſton, and deputy recorder of that borough.

† Here might be inſerted—nor even to a conſiderable b dy of landholders, farmers, merchants, manufacturers, or other houſeholders paying taxes impoſed by ſuch majority.

to ONE HUNDRED AND FIFTY-FOUR INDIVIDUALS only, as, on the ſame authority, we are informed is the fact.

IV. That when a grievous taxation is become the grand evil of the ſtate, not to look to the defects of the houſe of commons, as the true cauſe; and to a correction of theſe defects, as the only remedy, would be to ſhow ourſelves equally ignorant, and unworthy, of the Engliſh conſtitution.

V. That the repreſentation of the people in the houſe of commons ought to be reformed, according to the principles of our excellent conſtitution; that every houſeholder aſſeſſed to the payment of taxes ought to ſhare in the election of repreſentatives; that repreſentation ought to be as juſtly proportioned to population as circumſtances will admit; and that elections ought to be annual, uninfluenced, and free.

VI. That, as the only poſſible hope which our foreign enemies can entertain of a ſucceſsful invaſion of this iſland, muſt ariſe from a preſumed difference of intereſt between the people and their rulers, ſo no meaſure can ſo effectually daſh that hope, and diſpoſe them to peace, as the reform we propoſe.

VII. The arts of the corrupt (which have operated but too ſucceſsfully on the credulity of the ignorant, and the unmanly fears of the puſillanimous) having been unceaſingly exerted to beget, and to diffuſe, an abſurd opinion, that a reform of parliament is not to be had without a revolution; it is therefore

Reſolved——That our only true, conſtitutional, or rational ſecurity againſt, on one hand, a diſaſtrous and bloody revolution, or, on the other hand, a ſettled deſpotiſm, is in a ſubſtantial reform, in the repreſentation of the people, in parliament.

VIII. And, in reference to the ſame queſtion, it is further

Reſolved, That as neither political liberty, nor the ſecurity of national property CAN EXIST, while a nation is not repreſented in its legiſlature, there is no cauſe ſo likely to alienate the minds of the people from a government of king, lords, and commons: and thereby to endanger the public peace, the king's throne, and the conſtitution of our country; as well as to reduce this once free and flouriſhing nation to poverty, ſlavery, and ruin, as an *unreformed* houſe of commons.

IX. That an humble petition be preſented to the houſe of commons, communicating to that houſe the foregoing reſolutions; and earneſtly exhorting it, as it would avert the many calamities with which we are threatened, to take the ſaid reſolutions into its moſt ſerious conſideration.

Now*, my friends and countrymen, pleaſe to obſerve, how well beſtowed upon *Mr. Fydell*, was my exhortation to *fairneſs and to candour* of diſcuſſion! Mark how ſcrupulous he is, not to reſort to any *unconſtitutional* means for ſuppreſſing a *genuine declaration of ſentiment!* Preparatory to the meeting of us in the field of *argument*, when *unprejudiced* reaſon ought to operate, and when every Engliſhman ſhould be encouraged by the *impartiality* of the magiſtrate, to deliver the genuine ſentiments of his heart *without fear*, *Mr. Fydell*, preſiding in quality of deputy recorder

* The following reſolution I had alſo intended to have offered to the meeting:

That the late ſolemn parliamentary declaration of the right hon. Charles James Fox, that "he would never take a part in any adminiſtration, which ſhould not have for its "baſis a ſubſtantial reform in the repreſentation of the people in parliament," was diſintereſted, noble, truly conſtitutional, and wiſely adapted to the melancholy ſituation of his country: and we hope ſuch a declaration from that able ſtateſman will ſerve as a powerful admonition to thoſe who have hitherto truſted in palliatives, that nothing ſhort of the reform propoſed can preſerve our liberty or our property.

for *Boston*, at the quarter sessions for that borough, in a bitter invective delivered, as I am credibly informed, with much agitation, endeavoured to inflame against us his little audience *, and to persuade them into the belief of our being *disturbers of the public peace*. He reprobated the proposed meeting, as intended for *the worst of purposes*; and held up our printed resolutions, as of *the most dangerous* tendency; and he loaded our characters with all the reproach he dared insinuate. This statement is the very mildest, consistent with truth, which from the language used I can possibly draw; and if *Mr. Fydell* shall charge me with misrepresentation, the courts of law are open, and I am ready to meet him.

In reprobating the corruptions and corruptors of parliament, I had never taken any liberties with *Mr. Fydell*. I had never brought any personal charge against him, as accessory to those corruptions: nor can it be proved to him, that I ever breathed on his character a word of disrespect. Even after he had, on a *public* matter, presided at a meeting, which agreed on a counter-petition to parliament, wherein I, *as having presided at a prior meeting*, was particularly named and held up to view, in a manner as unprecedented as illiberal, I did not, in a work of some length, occasioned by that counter-petition, make any *personal* retort upon *Mr. Fydell*, nor so much as allude in the most distant manner to him in particular †.

Allowing him great merit in some of the most endearing relations of private life, I scarcely permitted myself even to think of him as a *public* character, or as a member of parliament; and on those subjects I was silent.

Imagining the obscured truths, and the disregarded principles of the constitution, as well as the high duties of a patriot representative in times of imminent danger to public liberty, not to have fallen much within the scope of his studies, I was well disposed to attribute what I thought wrong in his public conduct, to mere error; and although I thought him a mistaken, and a complying man, I did not think him an ill meaning or a mischievous one: and I accordingly held with him the usual intercourse of civility between visiting neighbours. But now, that the gentleman sets himself forward as an active instrument of oppression, and a ready actor in an odious system of terror; and that he does not appear to want either the meanness or the malignity for such an employment, I think it right, not only on his account and my own, but on that of the public also, to treat him as he appears to deserve.

To return then to his calumniating and intemperate harangue, it is to be observed, that no man can be a premeditated *disturber of the peace of his country*;—no man can provoke public meetings *for the worst of purposes*;—no man can with much deliberation draw up for such a meeting, *resolutions of the most dangerous tendency*, without being AN UNPRINCIPLED SCOUNDREL.—And does *Mr. Fydell* attempt, by means of a corporation grand jury, to fasten on me such a stigma before he meets me in argument? If that gentleman has presumed on the patronage of the minister, or on his own imaginary consequence, to make free with my reputation, he will find such a liberty is not to be taken with impunity. I am, indeed, ready to acknowledge that, in the kind of controversial warfare on this occasion adopted against me, I am no match for *Mr. Fydell*. My weapons are the weapons of reason and of honour. I have none other; but they will be sufficient for my purpose ‡.

* It has been reported to me, that, excepting the officers of the court and the grand jury, scarcely any persons were present but a few boys and children. † See *Part* I.

‡ Although anonymous attacks in a newspaper, provided they were guided by

From the ſpecimen here exhibited of the gentleman's liberality; from this inſtance of candour towards men who differ from him in their politics; from this proof of his tenderneſs for the characters of his neighbours, and of his reſpect for the liberties and conſtitution of his country, we derived a ſalutary leſſon that was not thrown away upon us. We withdrew our invitation to the propoſed meeting.

Although we perfectly well knew, that, to imagine our meeting, from the nature of the buſineſs to be brought forward, was calculated to produce a breach of the peace, muſt be an idea completely ridiculous *; yet, when ſuch a ſuggeſtion was thrown out from the bench, in a ſpeech of agitation and acrimony,—when we underſtood in what colours our propoſitions and our intended meeting had been painted, we thought it right to defeat the evil deſigns of ſuch as might meditate the raiſing a diſturbance, with a view of charging it upon the friends of reform.

Here, gentlemen, you will do well, very ſeriouſly to contemplate the reſolutions now offered to your conſideration, and at the ſame time to recollect a certain law, which Mr. PITT, who *has* done and is ſtill *doing* ſo much for his country, beſtowed upon us. I mean one of thoſe two laws, againſt an approbation of which I exerted my weak powers, as ſome of you remember, in the Croſs Chambers of *Boſton* two years ago.

Had we, therefore, gentlemen, perſevered in our firſt intention, and had I at the meeting made uſe of language againſt the meaſures of thoſe, who, unhappily for us, adminiſter the powers of *government*, too ſtrong for the ſervile temper of *Mr. Fydell*'s mind,—as doubtleſs I ſhould have done,— by the powers given to *the magiſtrate* by that law, I know the treatment I *might* have received; and after *Mr. Fydell*'s conduct, and the ignorance and fury he there exhibited, who knows to what audacious lengths he might have proceeded? A malignant man, defeated in open wickedneſs, and foiled in an attempt to aſſaſſinate character, may ſmile, but he never forgives the man he has ſo injured.

It was not, however, through any fear of the *magiſtrate*, who might abuſe his power, that I concurred in withdrawing the invitation; but as a mere precaution againſt the *malignant*, who might be capable of contriving miſchief.

SECTION II.

IN my obſervations two years ago, when, with many thouſands in all parts of the iſland, who were ſhocked at the ſtrides towards arbitrary power making by the miniſter, I forewarned you of the conſequences of the bills then pending; I foretold to you *what ſort of magiſtrates ſuch laws would generate*; and I gave it as my opinion, that no *gentleman* would act as a magiſtrate under them. What might be the treatment ſhewn to an inſignificant individual like myſelf, under the dreadful powers given by *Mr. Pitt*'s law to the magiſtrate, if taken independently of its conſequences upon general liberty, might perhaps be of ſlight importance: but it was

truth, and truth which ought to be known to the public, might have been well juſtified in one, who had been attacked behind his back, when a day was approaching for fairly meeting him face to face, I have only to ſay, that ſuch is not *my* mode of meeting a political opponent. Thoſe who have ſhewn their diſcernment in ſtyle, by pronouncing certain newſpaper letters, of which I know neither the contents nor the authors, to have been mine, have yet to ſtudy both my ſtyle of writing and of acting a little more, before they ſhall be qualified to judge of either.

* On the day after the quarter ſeſſions of Boſton, a quarter ſeſſions for the diſtrict was held in Boſton by the *county* juſtices, and *Mr Fydell* was one of the number; but he did not *then* think fit to renew his propoſal of the preceding day.

one of the main arguments on that occaſion, that, were even a CAMDEN himſelf, venerable in years, but more venerable in knowledge, in wiſdom, in patriotiſm, and in all that can ennoble human nature, to ſtand up to ſpeak in a ſtrain too elevated for an ignorant, or too honeſt for a corrupt magiſtrate, his tongue might be rudely ſilenced, and his perſon prophaned by the vile bars of a jail'!—If there be a heart in this country, in which that reflection does not plant a ſting, it does not glow with one drop of Engliſh blood!

In the malignity of *Mr. Fydell*'s charge to the grand jury, he could not, it ſeems, forbear ſarcaſtically to ſneer at the *farmers* who had ſigned the invitation, for having but a few years ago moved in a ſphere below that in which they now appear; as if it were not to their praiſe and honour they had raiſed themſelves in the world; as if the profeſſion they follow were not the very baſis of a nation's proſperity; as if their property, their liberties, their lives, and all the intereſts of their poſterity, depended not on the very object of the propoſed petition, *the purity of legiſlation*;—and as if, when *Mr. Fydell* himſelf votes the money out of their pockets, they are not thought fit perſons to bear a very large proportion of their country's burthens!

When the gentleman thus caſts illiberal reflections on reſpectable farmers and freeholders of conſiderable property, for preſuming to exerciſe a political right, he ſeems to forget, that to the exerciſe of a political right, by men in very inferior ſtations of life, he owes his own ſeat in parliament, and that legiſlative power, of the true conſtitutional intention of which he ſeems to know ſo little.

Here I cannot but pay a merited tribute of applauſe to the diſcernment, the integrity, and the firmneſs of *Mr. Paſſmidge*, in refuſing, as a grand juror, to give his name and put his hand to what he neither believed nor approved; being of opinion, that his good ſenſe and virtue have rendered his country on this occaſion an important ſervice. As to the ſtorm of high words, of reproaches, and of *threats* *, which he ſuſtained on that diſgraceful occaſion, let thoſe who uſed them juſtify them if they can. Now, gentlemen, from the tranſaction on which I have touched, and only touched, you will judge whether the friends or the enemies of reform have moſt occaſion to reſort to diſhonourable practices, or are moſt diſpoſed to carry their points by *violence*. And you may alſo determine, which of them fall moſt under the deſcription of men of wicked deſigns, diſturbers of the public peace, and contrivers of meaſures for the worſt of purpoſes.

To that part of the jury who yielded to the eloquence of *Mr. Fydell*, and ſigned a paper to his mind, I have only to offer my congratulations for having eſcaped an inſidious ſnare into which a miſplaced confidence had nearly betrayed them, and to offer them a few words of friendly advice. On the ſubject of a reform in our legiſlature, let them, as *Engliſhmen*, read, and think, and act; and let them, as virtuous men ſincerely loving their country, judge impartially between the reformers and their opponents: but as *grand jurors* let them not meddle *a priori* with political diſcuſſions, nor with the freedom of debate at public meetings, without firſt looking carefully to the political ſituation, connexions and views of *thoſe who endeavour to influence them*: or they may be in danger of injuring their country, beyond their means of reparation. Let thoſe jurors read this appeal, and then judge of me and my deſigns;—not from the dark inſinuations of a deſpicable man;—not under the momentary influence of miſrepreſentation and invective;—

* "Jurors are not to be *threatened*." *Blackſt. Com. III.* 376. *Mir. c. 4. ſ. 24.*

but from a full, cool, and deliberate conſideration of what I have addreſſed to their underſtandings and their hearts. I would to God that every man in our iſland were ſo to paſs upon me, and on the cauſe in which I write, his impartial, and yet his ſevereſt judgment!—I would to God every Engliſhman, upon complete information, would in his own mind decide, whether the rights I vindicate, be not his own rights; whether the cauſe I plead, be not his own cauſe; and whether his own property, or his own liberty, can be for one moment ſecure, without the reforms I recommend!

If there be two features of our conſtitution more ſacred, and more eminently entitled, than the reſt, to an Engliſhman's profound regard and reverence, they are theſe,—THE PURITY OF REPRESENTATION, for the making of juſt and wholeſome laws; and THE PURITY OF JURIES, for protecting us in their execution. But evil indeed are the days on which we have fallen, if, when we attempt to reſtore the loſt purity of our repreſentation, the purity of our juries is to be violated, in ſupport of its corruptions! The foulneſs of the end can only be equalled by the foulneſs of the means!

The honeſt juror who was ſo ill treated, has the reputation of great integrity, of a ſincere attachment to the liberties of his country, and of an anxious wiſh for the reform we ſeek. But, beſet and attacked as he was,—taunted, rebuked, and threatened with the loſs of his licence (for he is a publican), he felt himſelf ſo overawed by the diſpleaſure of the magiſtrate, and was ſo alarmed for the conſequences to a family of ſeven children ſupported by his induſtry, that in the agitation of the moment his apprehenſions extorted from him a promiſe to the court, that *he would not ſign any more petitions on the ſubject of* REFORM.

At a period ſo awful as the preſent, when it is not in human nature, that contentment under the public burthens, and national ſtrength for ſtanding ſecure in the ſhocks that may be expected, are any where to be found but in a reſtoration of the conſtitutional rights of the people, in an independent parliament of their free choice, and in ſuch a miniſtry as ſhould have the confidence of ſuch a parliament,—if a member of the legiſlature can reconcile to himſelf ſuch a mode of tyrannizing over men's minds, and of ſtifling the public voice, I envy not his feelings; nor do I deſire to ſhare in his reſponſibility.

Before this borough-recorder ſhall again take upon him ſo to treat an upright juryman, he would do well to look into the hiſtory of *Alfred*. That pattern of all goodneſs, that exemplar to kings, and that glory of the human race, was at once the watchful guardian of his people, and the terror of corrupt magiſtrates. He protected jurors in the full enjoyment of their rights, and the independent fulfilment of their high duties; moſt rigorouſly puniſhing the incroachments of judges. The difficulties he had in that rude age to ſurmount, in eſtabliſhing a due adminiſtration of juſtice, and his unparalleled vigour in effecting this great work, may be conceived, when we read that he cauſed "forty-four "juſtices in one year to be hanged as murderers for their falſe judg-"ments." Amongſt theſe was *Cadwine*, for ſentencing a man to death "without the conſent of *all* the jurors;" *Marks*, for adjudging a man to death by a jury "who were not ſworn;" *Freburne*, "becauſe he "judged *Harpin* to die, whereas the jury were in *doubt* of their ver-"dict."—And in his time *Buttolphe* loſt his view of Frank-Pledge, "be-

* Dr. Gilbert Stuart expreſſes a doubt on this fact; but in oppoſition to the authority of the *Mirrour* his doubt is not ſufficiently ſupported: and it muſt have the leſs weight, when in the ſame page we ſee material errors. See Section XI. See alſo *Vaughan's Reports*, 139, in ſupport of this very text.

" cauſe he charged the jurors with *other articles than thoſe which belonged* " *to the view.*"—" In leſſer offences he did not meddle with the judg- " ment, but diſinherited the juſtices, and removed them according to " the points of thoſe ſtatutes in all points where he could underſtand " that they had *paſſed their juriſdiction**."—If a magiſtrate ſhould rebuke, inſult, and threaten a juror, becauſe he had differed in opinion from his fellows, and had not in obedience to the charge of that magiſtrate done that which he conſidered as giving a ſtab to the conſtitution of his country, the voice of reaſon ſeems to ſay, ſuch magiſtrate would *paſs his juriſdiction*.

Even in the reign of *Charles I.* a chief juſtice in Ireland, who, by firſt violating the freedom and independence of a grand jury, and then by ſcandalous treatment of a petty juror, obtained, upon hearſay-evidence, a verdict of *guilty* againſt an innocent man, was convicted of the ſame, committed to the Fleet priſon during the king's pleaſure, and made to pay, in fine and damages, three thouſand pounds †.

But, conſidering that the juſtices on the bench, although armed, indeed, as magiſtrates, with ample powers for upholding the dignity of the court, regulating its proceedings, and inforcing its authority, are only, in reſpect of the trials before them, the mere *interpreters of the law*; while the jury are that *country*, by which an Engliſhman is really *tried*, and in truth his JUDGES, both as to the law and the fact; it is truly ſurpriſing, that any magiſtrate on the bench ſhould ever have treated a juryman otherwiſe than with the higheſt reſpect.

Touching the language of *Mr. Fydell*, as applied perſonally to myſelf, I would obſerve that when, for the purpoſes of calumny, the ſolemn forms of juſtice are attempted to be proſtituted, it is a groſs aggravation of the vice, and gives it a peculiar blackneſs. I ſay this, to ſhew the neceſſity of my repelling the attack; and when I ſhall have been heard, I truſt that no man who knows me will be influenced by ſuch a proceeding from ſuch a man: and as to thoſe who know not either of us, let them ſcrutinize into the political principles of us both. If *Mr. Fydell* could not ſee the prudence of abſtaining from ſuch liberties as he has taken, he ought now at leaſt to be told, that the man he attacks has not for twenty years waged open war with the giants of corruption, to be now diſcompoſed at the ridiculous bluſter of the pigmies.

What, I want to know, had a *grand jury* of the borough of Boſton to do, *a priori*, with our ſtatement of public grievances, or with our invitation to a meeting of the town and vicinity for the purpoſe of diſcuſſion, and of petitioning parliament for redreſs?—Had we conjured up any pretended or ideal grievances that did not exiſt?—Had we ſpoken of any grievance, which any man knowing our conſtitution, and deſiring its ſtability, muſt not in his heart ſincerely wiſh to ſee reformed? Or is there any conſiſtent man, who has either aſſociated or argued in ſupport of a government of king, lords, and commons, who muſt not, on his own principles, and in conſequence of ſuch aſſociating or arguing, be under a moral obligation to join in praying for the reform we aim at?

Mr Fydell, it ſeems, is ſcandalized at our ſecond propoſition reſpecting the influence of *peers* in the election of members of the houſe of commons, and calls it "a falſehood:" If it be ſo, then probably the third, reſpecting *a majority of the houſe of commons*, is likewiſe "a falſehood;" in which caſe, if the two houſes would condeſcend to give a ſatisfactory diſproof of theſe preſumed facts, it would allay heat and remove diſcontent in

* *Mirrour, c. 5. ſ. 1.* † *Ruſhworth's Collection*, II. 204.

no ſmall degree. And if *Mr. Fydell* himſelf know the falſehood of ſuch propoſitions, would it not more become him, to call them in queſtion in his place as a member of parliament, than as a corporation magiſtrate? Why does he not move to have theſe falſehoods, if ſuch they be, expunged from the journals of the houſe? *for there they ſtand on record.* If neither that houſe, nor the peers, who are concerned, will ſet about vindicating their own honour from ſuch an imputation, *Mr. Fydell*'s denial of the fact in a corporation ſeſſions at *Boſton* will not, methinks, have much effect on public opinion.

Now, what ſays this denier of "falſehoods," this vindicator of ariſtocratic purity, to the Morning Chronicle of Friday the 12th of January, in which we have at full length, with the names and offices of the parties, "A liſt of the members, holding civil and military appointments, "places, commiſſions, contracts, or ſinecures under the crown; or *whoſe* "*neareſt relations* hold ſuch places and appointments; or who have re- "ceived titles of honour, and advancement, under the preſent admini- "ſtration?" In this liſt, the members holding offices, commiſſions, and employments of honour or emolument, are - - 129
Near relations of ſuch - - - - - - 18
Members who have received titles from Mr. *Pitt*, and the near relations of ſuch - - - - - - 7
Loan-contractors, &c. - - - - - - 9

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And there is ſubjoined to the liſt a note, which runs thus:

"Diſtribution of the 558 members.

"*Returned by the influence of, or nominated by* PEERS - - 243
"By commoners having boroughs - - - - - 159
"By the treaſury - - - - - - - - - 22

424
By the voice of the people - - - - - - 134

558

Perhaps here is more "falſehood" for *Mr. Fydell*'s detection. We know indeed he can correct *one* error in this liſt, as his own name happens to be omitted. It may have other errors on both ſides of the account; but we are not contending about trifles. If it bear but a reſemblance to truth, the truth muſt be frightful indeed!

SECTION III.

HERE, then, my friends and countrymen, you have fairly before you the queſtion upon which we are at iſſue with *Mr. Fydell*; and here you ſee the "PRESENT *conſtitution*" which is ſo much the object of that gentleman's care and ſolicitude! If you had not before truly underſtood your country's ſituation, you muſt underſtand it now. "The legiſlature "of the kingdom," ſays Blackſtone, "is entruſted to three diſtinct "powers, entirely *independent* of each other." And "if ever it ſhould "happen, that the *independence* of any one of the three branches of the "legiſlature ſhould be loſt, or that it ſhould become ſubſervient to the "views of either of the other two, there would ſoon be *an end of our con-*

"*ſtitution* *." But after what you now ſee, which of you will undertake to prove, that our conſtitution is not already ſubverted? To give proof of ſuch a propoſition, I acknowledge, far exceeds my poor ſkill.

With reference to the preſent ſubject, and to the treaſon-hunting of the times, I have on former occaſions more than once had occaſion to remind my countrymen, that it is the original and good old common-law definition of treaſon, that it is *the betraying of the ſtate* †. If, then, the practices of the borough-holders and the corruptors of our elections, be not *conſpiracy and treaſon againſt the ſtate*, pray what is it? By what other means can the ſtate be ſo effectually *betrayed?* Can the French themſelves more completely deſtroy our liberties than thoſe men who take from us our repreſentation? If the ſtatement we are conſidering be a true picture;—if a ſtanding force of placemen, and of dependents on the court and the nobility, occupy a majority of thoſe ſeats which belong to the genuine and independent repreſentatives of the people alone, where are the rights of the *commons of England?* And if a corps of mercenary men have monopoliſed with money a power over our properties, our lives and liberties, muſt we not ſoon ſee "AN END OF OUR CONSTITUTION?"

On topics ſo infinitely important to us and to our poſterity, are we, I aſk, to ſubmit to be ſilenced by a ſyſtem of terror? And is it to quaſh inquiry into ſuch practices, *Mr. Fydell* thinks to recommend himſelf to the approbation and eſteem of his country?—Why does that angry gentleman paſs over this collection of crimes—this mountain of iniquities—to vent all his ſpleen on us, who only deſire you to fix your attention on this monſtrous wickedneſs?—If he be hunting for things *of the moſt dangerous tendency*,—if he be in ſearch of machinations for *the worſt of purpoſes*,—or of *men whoſe deſigns are the conſummation of all political miſchief*,—here they all are: full in his view they now ſtand before him. If he have the feelings of a gentleman—of an Engliſhman—or of a man, *here* let him pour out his indignation! *here* let him point out to you how, and by whom, you are diſhonoured and betrayed!—If indeed there are members in the houſe of commons ſent thither by peers, independent of any popular election, it is plain they take not their ſeats until, like Dutchmen trampling on the croſs of Chriſt for admiſſion into *Japan*, they have firſt trampled on your ſacred conſtitution as their paſſport to thoſe ſeats. In this horrible uſurpation, and in the accumulation of THREE HUNDRED MILLIONS of debt in *the ſingle reign of his preſent majeſty*, muſt not every man who lives by induſtry, ſee that he is faſt verging to a mere beaſt of burthen, to feed a corruption that has a ſtomach for ſeven ſuch kingdoms as this? Muſt not every gentleman of ſtated income ſee, that, unleſs our petitions can obtain a reform of theſe abuſes, his ſon upon the ſame income muſt live in a garret? And in what hole muſt the reſpectable gentlewoman, who is either unmarried or in a ſtate of widowhood, that lately lived in genteel comfort, ſhortly hide her wretched head!

And is it, I again aſk, is it in defence of the horrid ſyſtem here expoſed;—is it to juſtify wrongs of ſuch magnitude, and uſurpations ſo criminal, ſo indecent, and ſo big with danger to the whole fabric of the ſtate;—is it to bring upon us and our children, and our children's children, to the lateſt generation, the curſe of a deſpotiſm in the moſt odious and diſguſting of all forms, that our worthy magiſtrate and member of parliament ſtands forth?—Is it in ſuch a cauſe he wantons the authority of office, and aſſumes the language of rebuke and repre-

* *Commentaries, I.* 50, 51. † See this ſubject reſumed in Part III. Sect. V.

henſion, where repentance and contrition would more become him? Is it in ſuch a cauſe he preſumes to inſult the reſpectable farmer for acting like an Engliſhman; and dares to ſtrike at the honour of a man, who defends the liberties of his country on the true principles of its conſtitution?—O conſcience, where is thy ſting! O ſhame, where is thy bluſh!

Let this meddling magiſtrate turn his eyes inwards, and ſee whether it moſt become him to cenſure the political conduct of others, or to amend his own. Let him view with the eyes of conſtitutional reflection the miniſter and the ſyſtem he ſupports, before he venture to charge with criminality thoſe who oppoſe that miniſter and that ſyſtem, as corrupt and ruinous. And let him, in the progreſs of this neceſſary duty of ſelf-examination, aſk himſelf, if any cauſe whatever can palliate a conduct ſo reprehenſible, as that of attempting to proſtitute the ſacred bench of juſtice, and to violate the ſanctity of an Engliſh jury: but if ſuch an attempt ſhould be made, in ſupport of a miniſterial ſyſtem which equally ſtrikes at the root of all property, all liberty, and all morality; let him learn to view ſuch an attempt in its genuine turpitude, and turn from it with remorſe! As for imputations of political criminality againſt myſelf, ſo long as they only come from the humble dependents of ſuch a miniſter as the preſent, I ſhall conſider them as compliments; becauſe it is part of the mean and profligate drudgery to which ſuch gentry are doomed, to vilify every man whoſe conſiſtency in purſuit of parliamentary reform is a reproach to their treacherous maſter; and becauſe, to have on that account the honour of their abuſe, is to have ſome reputation for having ſerved the cauſe with effect.

If this buſy gentleman know I have ſpoken of the conſtitution with ignorance, let his knowledge expoſe my errors: if with folly, let his wiſdom put me to ſhame: and if he be of opinion that, forfeiting the independent ſpirit of an Engliſhman, I have baſely deſerted the principles of that conſtitution, or foully betrayed the ſacred intereſts of liberty and my country; let his proud integrity ſtand forth in my accuſation, wherever it becomes him to accuſe me! But whether criticiſm or crimination be his object, perhaps the reader will not think a corporation quarter ſeſſion the moſt proper theatre for the purpoſe.

With regard to the propoſitions which *Mr. Fydell* ſo candidly attempted to prejudge and to condemn before I could bring them before our intended meeting, let them ſpeak for themſelves. Whether they be true, or not true; whether correct, or not correct; is not the *firſt* queſtion. The firſt queſtion is, are they propoſitions that it concerns Engliſhmen to diſcuſs? Are they calculated to draw forth and to fix the public opinion on points of the higheſt magnitude and importance to public liberty, to the ſecurity of property, the ſafety of the ſtate, and the happineſs of the nation?

Mr. Fydell, whoſe wincing ſhows much ſoreneſs, may perhaps from family feelings be of opinion, that taking the power of TAXING out of the hands of placemen, of ſelf-ſeated borough-holders, and the mean dependents of peers, would be a very inconvenient reform,—becauſe, THE MORE TAXES, THE MORE POUNDAGE: whereas, we on the contrary may think, that for *ſuch* men to ſully the purity of popular repreſentation in our legiſlature, is a ſcandalous indecency.

Mr. Fydell may think it nothing, for men, who are ſolely indebted to PEERS for their ſeats in a houſe of *commons*, to ſhare in the power of laying on the people the preſſure of a threefold, a fourfold, or a fivefold

assessment; while we may be of opinion, that persons who are not wholly elected by the people themselves, have no more constitutional right, than the gentlemen of the road, to make free with our property at all; much less to lay our country under such grievous contributions.

Mr. Fydell perhaps may not have eyes to see, that if the representatives seated by true popular election should not amount to *one-fourth* part of the house, while more than *three fourths* were seated there in violation of the principles of our constitution; and if the house should also contain *one hundred and twenty-nine* placemen, and above *thirty* others under influence; that such an assembly could not be *adequate to the guardianship of the public purse*, nor ought to dispose of the nation's property *by hundreds of millions*: whereas, if such were the actual state of a house of parliament, such inadequacy must be most manifest and glaring, to all who know what would be thought of a sheriff who, in a cause of *five pounds* between himself and his neighbour, should designedly put upon the jury *a single juror*, that was either his son, his tenant, or his footman!

Mr. Fydell may not have the faculty of discovering, that the American war, *for establishing taxation where there was no representation*; that a debt of *three hundred millions* sterling contracted in a single reign not yet ended; and that a minister's expenditure, in one year of enormous profusion, of more WITHOUT than *with* the knowledge of parliament; must be no trifling evidences of defects in a house of representatives, which, in the judgment of honest men, could not but affect its competency to protect our rights and properties: whereas, in facts so broad and so glaring, others, as they run, can read.

If *Mr. Fydell* call our propositions unnecessary, that, with some of us, may be one reason for thinking them the more necessary.

If *Mr. Fydell* shall tell us they say too much: others may know they say too little.

If *Mr. Fydell* may call them dangerous: there are those of higher stations in life, and of higher political authority, who call them salutary.

And finally, If *Mr. Fydell* shall think them improper, or wanting in due respect to that house of which he is a member: there are such persons as I have last described, who speak of them very differently.

A distinguished ornament of the upper house and of his country terms them "very excellent and constitutional resolutions;" and a no less distinguished character in the other house, says, "I think your resolutions very proper, and that there is nothing that can justly be considered as disrespectful in them; and I agree too that changing their form might lessen their effect *."

Here, then, is authority against authority: on one side, two of the first characters of our age and nation: on the other side, *Mr. Fydell*. Was this gentleman last year so successful in exhibiting his constitutional knowledge, that this year we are to have no appeal from his unerring judgment? Is he become to us an oracle so infallible, that we are not only to ask him what we are to believe; but on what we may be permitted to reason? After the figure the gentleman so lately made with his "PRESENT *constitution*," I did not at all expect that we should have seen him any more on constitutional ground: but I was not, I confess, aware of the powerful auxiliaries he thought he had in reserve; a corporation grand jury, for marking out to us the line and limit of

* Anxious that while I gave to the reasoning of the propositions its full force I might not at the meeting propose them in the same words, if they could be deemed exceptionable, I consulted this gentleman.

our debate; and a conſtable for cloſing it, whenever he himſelf ſhould give the appointed ſignal!

SECTION IV.

THE reader has ſeen the ſteps taken by the deputy recorder of the borough of Boſton, for counteracting our efforts in favour of reform; and has been reminded of the powers veſted in the juſtices of the peace by *Mr. Pitt*'s act: but this is not all; for that law has likewiſe created and ſet over us another ſpecies of magiſtrates, or ſomething like it, wholly irreſponſible for their conduct, of a nature perfectly novel to the conſtitution, and not methinks the moſt honourable to the character of the Engliſh nation. Theſe are the printers of the newſpapers.

One of the modes of proceeding preſcribed to us in the act, is, that no leſs than ſeven houſeholders, ſetting down their places of abode and their occupations, are *to adverti/e, in a newſpaper* uſually circulated in the neighbourhood, their notice or invitation to a public meeting, whenever their object is to petition any branch of the legiſlature for a redreſs of grievances. I have ſaid "*one of the modes*," becauſe the invitation to *a public meeting* of a county, &c. may by the act be given in *ſecret* to the clerk of the peace, without the public knowing any thing of the matter.

Now Mr. *Pitt* took care that no penalty ſhould attach on the printer for omitting to inſert what others were required to publiſh, in his paper; notwithſtanding this feature of the act was pointed out, and the conſequences were foretold. It was at that time remarked, that excuſes might be made of the advertiſement *not coming to hand*, or having been *forgotten*, or *miſlaid*; or that it might be *refuſed* admiſſion, or be *thrown aſide* with contempt; whereby the printer of a newſpaper would become veſted with a very invidious power over public liberty, and with a ſpecies of authority liable to great abuſe. Such a power muſt be peculiarly dangerous at critical ſeaſons, when any miſchief of great magnitude on the part of miniſters threatened the people, and there ſhould not be a moment to loſe in petitioning againſt it.

The effects then foreſeen have now come to paſs. The late invitation to a meeting, ſigned by ſix other houſeholders and myſelf, was tranſmitted by a bookſeller of *Boſton* to the printer of the *Stamford* Mercury, for inſertion: after a neglect of publication, and without returning the advertiſement, or for ſeveral days aſſigning any reaſon for its non-appearance, the printer was again applied to; and an anſwer was then returned by the printer's ſervant, aſſigning for the reaſon of the omiſſion, that his maſter conſidered the advertiſement as a libel on the houſe of commons. That ſuch might be the printer's opinion, I ſhall not diſpute; and, if his opinion, I ſhall not blame that part of his omiſſion which relates to the not publiſhing our advertiſement. I ſhall only lament that all our newſpaper printers are not learned in the law; that their want of knowledge may not, in caſes of high importance, prove injurious to the liberties of their country.

The writer muſt not, however, be ſilent on the ſubject *of libelling the houſe of commons*. May he not then ſay, that if there be in *Great Britain* any one man, who, more than another, has ſhewn an anxious jealouſy for *the purity*, the *independence*, and the *honour* of that houſe, perhaps he may rightfully claim to be conſidered as that man? If there be any one man on this iſland, who, more than another, and without fee or reward, has *laboured* to that end, perhaps he is that man.—If there be any

one man, who more than another, has, to the very frequent neglect of his private concerns, inceſſantly watched all opportunities of doing that, of which the ſole intention and direct tendency was *to reſtore the impaired character of that houſe*, and to render it *an object of the higheſt veneration* to his country, perhaps, again he is that man: at leaſt he has the pleaſing conſciouſneſs of its having been for a long courſe of years the firſt object of his conſtant ſolicitude, and that to which every conſideration and every intereſt, which at any time came in competition with it, has been ſacrificed. But now, it ſeems, for ſtating propoſitions on this moſt important of all political ſubjects, which are perfectly true and highly neceſſary to be generally known and adopted, he is by one gentleman to be ſtigmatized as a diſturber of the public peace, and a man of wicked deſigns; and by another conſidered as a libeller of the houſe of commons! He is not now, indeed, for the firſt time to learn what are the rewards of perſevering and painful ſervice, in the honeſt cauſe of political truth and of a betrayed conſtitution; while he ſees thoſe whoſe venal talents are exerted to extinguiſh that truth, and to blot out if poſſible the very remembrance of that conſtitution, in the full ſunſhine of court favour.

But whatever reſpect may be due to the opinion of the latter gentleman, it ought not, I imagine, to outweigh the opinion of men eminently diſtinguiſhed for their extent of legal knowledge, and their purity of conſtitutional principle. To one of this deſcription—a gentleman bred to the bar, an acting magiſtrate, and a man not only of uncommon learning, but one whoſe whole life has been governed by an elevated ſenſe of moral and religious obligation, as well as a moſt ſincere and enlightened attachment to the liberties of his country—I tranſmitted the propoſitions in queſtion. So far was he from conſidering them as libellous or improper, that he informed me, he ſhould ſend them for publication to the newſpaper of his own neighbourhood.

From the circumſtances of the caſe before us, the public will judge of the miniſter's views in framing his bill. They will do well to reflect, whether it was his real object to ſuppreſs *ſedition*, or to quaſh *reform*; to defeat the attempts of *others* for endangering our free government, or to enable *himſelf* without interruption or diſturbance utterly to overturn and deſtroy it.

Some of us, on the occaſion under conſideration, ſeeing violations of our conſtitution, groſs beyond the powers of exaggeration, of a magnitude truly ſtupendous, and in the criminal upholding of which, MR. PITT is the grand agent, we naturally invite our neighbours to a diſcuſſion of theſe ſerious matters; while, on the other hand, we are counteracted in the way I deſcribe. Nor can it be laid out of the queſtion, that one of the gentlemen ſo acting, on his firſt coming into parliament, was allowed by the miniſter to transfer from himſelf to his ſon * a valuable receiverſhip of taxes, and that the other holds a lucrative employment in the ſame department. It being therefore poſſible theſe gentlemen may neither ſee the public grievances with the ſame eyes, nor feel from the public burthens the ſame preſſure as other men do, we cannot do wrong in appealing from their judgment to that of the public at large.

If to endeavour at bringing the houſe of commons into "hatred and "contempt," be the crime to be inſinuated againſt *me*, let thoſe who

* That I may not be charged with incorrectneſs, it may be neceſſary to explain, that the ſon being at that time a minor, the office was firſt tranſferred to *Mr. Fydell*'s brother in-law, who held it till the young gentleman came of age.

ſo inſinuate learn to diſtinguiſh a little more accurately, and let them turn their eyes *to other quarters!* That this palladium of our liberties, this only truſt and hope of Engliſhmen, might *not* fall into hatred and contempt with the people, has been the firſt wiſh of the writer's heart—the very end and object of his unceaſing exertions. When many have fainted in the diſcouraging courſe, he has perſevered with unwearied ſteps: when many have ſtopped ſhort, and have turned aſide with horror and diſguſt, he has only ſtriven to reach the goal, by redoubling his efforts: and when others again have ſunk down in utter deſpair, he has not for a moment ceaſed to confide in the good ſenſe and virtue of his countrymen; but has only the more raiſed his voice to convince, to exhort, and to animate them to reſcue their houſe of parliament from that hatred and contempt into which it muſt infallibly fall, if left a prey to the corrupter of its integrity and the uſurper of its ſeats!

That I repreſent the decays which undermine,—that I expoſe the abuſes which deform, that I inveigh againſt the corruptions which diſhonour that houſe, is moſt true; and that I alſo denounce, in the language of freedom, thoſe private uſurpations by which its public utility is threatened to be deſtroyed, and its very eſſence to be annihilated, I am in no ſort diſpoſed to deny: but what man, who has any tincture of conſtitutional knowledge—what man, who is capable of diſtinguiſhing between honeſt ſervice and the baſeſt treachery—what man, whoſe heart is ſuſceptible of a virtuous feeling—will call this libelling the houſe of commons?

Strange indeed muſt be that perverſion in Engliſh intellect and feeling, which can enable gentlemen to ſee blame and criminality in the conduct of one who has thus exerted every nerve; and at the ſame time can render the ſame gentlemen perfectly blind to the countleſs crimes of thoſe who have endeavoured to reduce the national repreſentation in that houſe to the moſt miſerable condition—that of expiring under a thouſand wounds, and lying helpleſs at the feet of thoſe who gave them!—— Openly to ſubvert the conſtitution, provided only it be effected by *its choſen guardians*, and with the peculiar treachery of employing *its own moſt ſacred form* as the inſtrument, is, it ſeems, in the eyes of ſuch gentlemen, no diſcernible crime at all: but merely to ſpeak of ſuch atrocious wickedneſs in appropriate terms, is, in their eſtimation, libel and ſedition!!! When ſuch, alas, is the political morality of the times, inveterate indeed muſt be the corruption of the ſtate; and deep indeed the reform we want!

Thoſe who have treated the houſe of commons with the moſt ſovereign contempt; thoſe who have laboured to repreſent it as a cypher in our ſyſtem, are under the ſpecial protection of miniſters.—This is the quarter from whence we have even been told, that that houſe is a branch of our government, which may be *lopped off and caſt into the fire, without deſtroying our conſtitution!* Here, then, as is moſt natural, the traducers, the corrupters, and the treacherous ſubverters are all on one ſide, as they are all in one intereſt.

That I have laboured more than others towards the reſcue of that houſe from ſuch hands, is my pride: and, let me tell the ſilly children of corruption, I have, in the volumes penned in this honeſt cauſe, a ſhield impenetrable to all their calumnies; and, with that on my arm, can laugh at their rage and malice.

My labours indeed have by no means been confined to the preſs; for as the cauſe has always been uppermoſt in my mind, and as ſuch labours appear to me the firſt of all patriot duties, it has given birth to much private correſpondence, and, from time to time, has impelled me to im-

portune upon it every man of high ſtation and influence in the ſtate from whoſe ſuperior underſtanding or virtue could be derived the ſmalleſt hope of extracting aught towards the ſalvation of our country. Several of theſe perſons have ſucceſſively ſat in the cabinet, and ſome of thoſe who ſit there now are of the number. More than once I have preſented to his majeſty papers in which this ſubject has been mentioned with emphaſis; nor did I even refrain, in my individual capacity, and in an argumentative petition and remonſtrance, written in my own perſon, and ſigned by my own hand alone, freely to reaſon with the houſe of commons * on this great argument.

On all theſe occaſions, the *uſurpations* and *corruptions* within that houſe, —uſurpations and corruptions which threaten to deſtroy my country's liberty, and which, if not ſoon reformed, muſt render foreign invaſion wholly unneceſſary to national ruin, have been the *conſtant theme*. But if, in this caſe, truth be a libel, in God's name let me ſtand as a libeller at the bar of that houſe, provided only *ſtrict juſtice be done to my client* THE CONSTITUTION!—Let that houſe but imitate the juſtice of the emperor of *China*, and I ſhall be content. When *Mr. Flint*, habited like a Chineſe, and ſpeaking the language of the country, found his way to *Pekin* with a petition againſt the viceroy of *Canton*, he was treated as one who did not ſufficiently reſpect thoſe forms under which his countrymen had been oppreſſed; but, nevertheleſs, *attention was given to his complaint;* his cauſe was *fairly heard:* he was found to have *truth on his ſide*; and THE REFORM HE PROPOSED WAS GRANTED. But, having thus obtained juſtice for his countrymen, he himſelf was ſentenced to a year's impriſonment in a tower, "*for diſturbing the repoſe of the emperor* †." So be it done to me, or aught elſe which a houſe of commons can inflict, provided it can but be arouſed to vindicate the rights of repreſentation, and to redreſs the wrongs of my country!

To return once more to the harangue delivered at the quarter ſeſſions for the borough of *Boſton*—no man, I believe, can doubt againſt which of the ſeven offending perſons in particular, its acrimony was levelled; and whom it was weakly meant to brand with the odious imputation of being a dangerous man. If that man be dangerous, he muſt of all mortals be the moſt ſtupid; for he cannot reſtrain his pen from writing about miniſters and parliaments, whenever he thinks *them* dangerous.

Of dangerous men in a ſtate, there are various deſcriptions. At preſent, I ſhall only ſpeak of two. The one ſort, is the man who, with a ſplendour of talent, has a grandeur of vice. For the gratification of his ambition, armies bleed, and nations mourn; conſtitutions are undermined, and ancient liberties deſtroyed; countries are betrayed, and a people groan under oppreſſion.

The other ſort of dangerous man is not the colleague, but the creature of the former. It is the man who is venal by anticipation;—who does not enter the doors of parliament, until he have firſt entered into a corrupt contract with the miniſter. It is the man, the fee ſimple of whoſe vote is ſold for borough patronage and family emolument; and who has neither eye to ſee, ear to hear, nor tongue to ſpeak but according to the will of him who keeps the key of the treaſury. Such a man,

* Written when the author was confined by ſickneſs, and had failed in animating other gentlemen to exert themſelves.

† It was in this confinement Mr. *Flint* learned the ſecret of making ſago; a diſcovery for which his ſervant *Brown*, afterwards, with Mr. *Flint*'s conſent, obtained the king's patent.

however in himself contemptible, is dangerous, because, within that sphere in society in which he moves, and as far as his mischievous agency extends, he diligently circulates the Circean * cup of influence which himself has tasted; and, truly subservient to the great enchanter, dispenses around that intoxicating opiate, on which all the enchanter's power depends: and such a man is likewise dangerous, because of his having wriggled himself into a situation, in which, on a division, his marketable vote weighs exactly as much as the vote of a *Saville*, a *Shippen*, or a *Marvel*; or even as the vote of that great man who *once* with such glory sat at the helm of England, and of whom it has been said, "A character "so exalted, so strenuous, so various, so authoritative, astonished a corrupt age; and the Treasury trembled at the name of PITT through all "*her classes of venality*."

SECTION V.

AS the corruptions we combat, and the reform we propose, have the closest connection with *the origin of the war*, and with the reasons *still assigned* for its continuance, I must call the reader's attention to that origin. He will then, I trust, see in its true light the *cause* for which our country now groans and bleeds; the *cause* for which we are, if possible, to be brow-beaten into silence; and the *cause*, for which that property which is the fruit of care, and the reward of our laborious toil, instead of administering to our own comfort, and providing for our children, is to be surrendered to the tax-gatherer.

The delays which have attended the committing of these papers to the press, have indeed afforded the writer an opportunity of here remarking, that the tone of ministers has very recently been somewhat changed; but that has not changed foregoing facts, nor done away the usefulness of reasoning from them. I shall therefore proceed as I had intended; apprizing my reader that as he proceeds he will see, that no man is less an advocate than myself for seeking peace by humiliation; and that no man more than myself desires to strengthen the hands of government. But by *government* I certainly do not mean any faction whose strength shall be its weakness; and whose omnipotence would be its overthrow; but, by *government*, I mean the true constitutional executive power of my country, held by the *king*, and dispensed by ministers under *controul of an independent parliament*. Whatever minister of whatever party shall stand in this relation, and shall act with fidelity to it, shall have my utmost support; and whatever minister of whatever party shall stand in any other predicament, and bolster up his power by fraud, corruption, and violence, shall ever have my irreconcileable enmity and my stedfast opposition. If any friend of Mr. *Pitt* want a key to my political conduct as to ministers, here it is.

We have been told, the conduct of *France* made the war *necessary*. Bunglers, indeed, must ministers be, if they could not contrive to furnish themselves with something like a pretext for war, when they wanted one. That is a difficulty which never yet stood in the way of statesmen, although the pretexts they resort to would oft disgrace a schoolboy, and as oft are becoming only a highwayman. I shall here repeat part of a letter I published on this subject. "Look back to the moment in which these men plunged their country into this war. *France* at that

* *Circe* was a celebrated enchantress, the taste of whose cup was delicious; but it had the faculty, as the poets feign, of turning him who drank of it into a beast; by which it is supposed they meant, into a sordid, groveling, dependent, and contemptible creature.

moment in a ſtate of diſtraction and imbecility, while the vultures of deſpotiſm were hovering around, ready to tear out her very bowels; *England* (her load of debt only in abatement) in her higheſt proſperity and power, and her friendſhip of all things the moſt valuable to *France*. If ever, in the courſe of our hiſtory, there was one moment more favourable than another, for our avoiding a French war without diſhonour, it was that very moment. But ſuch was the preciſe moment choſen by the preſent miniſters, with *two hundred and forty-ſeven millions* of debt hanging on our neck, to draw the ſword! But, in order to obtain a war, they were firſt obliged to put upon the French ambaſſador repeated indignities; and, by their influence in the Dutch councils, to drag *Holland* into the diſpute, on pretence of the Scheldt; although that ally never could be prevailed on to ſay ſhe deſired our aſſiſtance in that affair."

To admit then, that under ſuch circumſtances the war could have been *neceſſary*, we muſt be a nation of ideots; but as ſuch, indeed, we are treated by miniſters, who firſt ruſh into ſuch a war for their own corrupt purpoſes, and then inſult us with the aſſertion; who make the re-eſtabliſhment of the deſpotic monarchy and the corrupt prieſthood of *France* objects of an *Engliſh* cruſade, and then tell us we are fighting for our laws and religion; who, through the agency of men forced upon us in place of repreſentatives, by uſurping peers, as well as by means alſo of other violations of our ſacred conſtitution, ſquander our money by hundreds of millions, and then mock us with flouriſhes about our endleſs reſources, and with driveling pretences, that all this is for *the preſervation of property*; and who, when we remonſtrate againſt the glaring injuſtice and tyranny of being taxed and governed by men having no conſtitutional appointment for thoſe purpoſes, and whoſe corrupt power threatens the utter extinction of the liberty, the property, the glory, and the very exiſtence of our nation, tell us, forſooth, "*it is not the time* to reform our repreſentation!"

Remembering the *tone* of miniſterial language at the commencement of the war, and the *nature* of the alarm they ſo ſucceſsfully ſpread through the land, you muſt know, that the TRUE cauſe of the war was a SOMETHING, which it was convenient for them to cover from a clear view, by a Billingſgate abuſe of the French nation in general, and by *dark inſinuations againſt perſons at home* *.

By the dexterity of wordy ſketches, the aid of myſtery, and the ſtrength of oratorical colouring; aſſiſted by *treaſury* eloquence, which has the faculty of beſtowing the gift of tongues on the adherents of a miniſter, and the powers of perſuaſion on the penſioned pens of unprincipled men †; and ſupported at the ſame time by the alliance alſo of that moſt formidable body of men, the BOROUGH-HOLDERS, having an

* It has been reported to me, that this game of dark inſinuation was played by Mr. deputy recorder *Fydell*, who, I am told, with ſhrewd nods of great ſignificance, inſinuated ſomewhat of *his knowledge* of *my* deſigns and *my* connections! Had he but known more, perhaps he might have expoſed himſelf leſs.

† One of the perſons here alluded to, was a character of great celebrity; commonly ſuppoſed to have been for many years a *whig*, becauſe accident had thrown him upon the *whig party*. The writings of the penſioner alluded to will, it is true, *incidentally* furniſh much conſtitutional argumentation; for what *orator* could ever arrive at eminence, without reaſoning well? But that the gentleman alluded to was an unprincipled politician, the latter actions of his life made pretty manifeſt; and as to his extravant fury againſt the authors of the French revolution, beſides that it gave vent to his true latent ſentiments, it was a neceſſary part to act, as a veil to apoſtaſy from his party. If by them his true political character was not known, it had been read by

unconſtitutional intereſt in the ſucceſs of their attempt; they contrived—and, ſo aſſiſted, it was no wonder—to give the nation a confuſed idea of a terrible SOMETHING,—an undefined, and undefineable object of horror; which as no man could ſee in any diſtinct ſhape, nor even diſcern as actually exiſting, ſo no man could at the time completely examine or clearly explain. The Billingſgate ſong was crowded with images of every thing that was terrific; but its perpetual burthen was "French principles!"—"French principles!"—French principles!"

French *practices* unhappily giving them advantage, they ſucceeded but too well in confounding practice and principle; and, a *confiding majority* opening to them the nation's *purſe*, they embarked in a war on ſuch a ſcale of confederated force, and on ſuch a ſcale of expence to this country, as are beyond parallel.

A former houſe of commons granted the money of this country, to ſubſidize half the crowned heads of *Europe*, in an effort to break up the French nation, and divide amongſt them its enſlaved territory—in hopes of utterly extinguiſhing the very ſparks of liberty; while all its genuine doctrines, by being nick-named "French principles," were, if poſſible, to be brought into univerſal "hatred and contempt."

Now, let my reader, if prejudiced in favour of Mr. *Pitt's* miniſtry, ſuſpend his prejudice for a few moments, and give me his calm, impartial attention. Thinking, as I do, this country was duped into the war by as much deception and wickedneſs as was ever practiſed, it is poſſible my arguments may ſhow good grounds for that opinion. As the day of *falſe alarm* is drawing towards an end, and as national ſuffering is beginning powerfully to counteract national deluſion, I ſhall not fear the rancour of miſrepreſentation; nor regard the being branded with all the reproachful epithets which the abettors of corruption and arbitrary power can invent. Provided I can but ſerve my country, their malice will be my gratification; and their abuſe will be an inconteſtible proof, that I have done ſome good.

"Principles," it ought to be obſerved, are mere abſtract *truths*, independent of the quarter from whence they come; nor can they be altered by men of any nation or language. The firſt elements of *Euclid* are equally *principles* of geometry to *Greeks* and *Arabians*; to the nations of *Aſia* and of *Europe*; and to the people of *England* and of *France*. What is abſtract truth on the north ſide of the Engliſh Channel, is abſtract truth on the ſouth ſide; and this is equally true, whether applied to mechanics or phyſics, mathematics or chemiſtry; or whether it relate to the properties of a triangle, or to the rights of a people under civil government.

If therefore the French had any knowledge of *the principles of civil polity*, and if upon thoſe principles they laid the main foundations of their new freedom, the reader muſt ſee how perfectly eaſy it was to maintain, *becauſe true and obvious*, and honourable to the parties on both ſides of the water, that both in *France* and in *England* there were men who held *the ſame principles*. And out of this ſingle circumſtance it has been ſeen how eaſy it was for miniſters, aided as I have ſhown, and with the treaſury in their hands, to conjure up that ſcandalous alarm by means of which they ſo much diſgraced the once-manly cha-

my late friend Dr. *John Jebb*, who in 1782 ſaid to this gentleman in converſation;—"I heartily wiſh you honours, emoluments, and every good thing this world has to beſtow, except *power*: that I cannot wiſh you, becauſe in my conſcience I believe you to be as inveterate an enemy to human freedom as ever did exiſt."

faction of Englishmen, and plunged their country into a war of the heaviest calamity; a war from which, with all their political wisdom, they know not now how to extricate her.

To call *principles*, which are the abstract truths of science, by the name of this nation or of that, and to use the language as we have so long heard it used by ministers, as a cause of irritation to war, is a wickedness of "the blackest die, and a disgrace to the reasoning faculties of man." *Now*, if the *principles* which ministers in reality dread — for from that of *equality* they have nothing to fear — ought to be distinguished by any *national* epithet, they unquestionably ought *in preference* to be called ENGLISH PRINCIPLES; for they are the principles of the *English* constitution. In *England* they first took firm root and flourished; from *England* they were transplanted to *America*; and *Montesquieu* happily collecting from the constitution of *England* the seeds of these principles, successfully scattered them in *France*; where subsequent writers and subsequent events have conspired to establish on these principles, and pre-eminently on that of *representation*, a free form of government, on the ruins of an odious despotism. To this doctrine I presume I must have the assent of the *attorney-general*, who, on the trial of Mr. Frost in 1793, speaking of "what was called a constitution" in *France*, says, "Almost every thing that was valuable in it, was borrowed "from the constitution of this country in which we live." Does the *attorney-general* then hold French principles? According to the contemptible jargon of the day, he certainly does, if he be true to any of those English principles of liberty *France* has adopted.

In *France*, where the people had, for so many centuries, smarted under the scorpion whips of aristocratical and monarchical will and pleasure, we know they chose to adopt into their form of government the principle of *equality*, excluding all *hereditary* power: but what was that to our ministers, or to us? If this, then, had been the only political principle we had to dread, what were the natural means of guarding against it? — Why, doubtless to convince the people of *England*, that in an hereditary king and an hereditary nobility they should have nothing to fear; but every thing to respect and to honour. And was not the plain road to this end, to do away the offensive encroachments made by the *nobility*, and by the ministers of the *crown*, upon THE PEOPLE'S BRANCH OF THE LEGISLATIVE? — But no: instead of *reform*, they give you WAR! — *And why?* Was it to them a natural alternative? Did they foresee that without a *war* they could not long withhold a *reform*. And was it to avert from you, therefore, the horrors of a genuine representation, the misery of true English liberty, the calamity of national economy, and the curse of an uncorrupt guardianship of the public purse, they bestowed upon you WAR AND ALL ITS BLESSINGS? —My countrymen must answer these questions for themselves.

Or did these ministers, regardless of our wrongs, and equally regardless of *the foundations thereby laid* for an irreconcileable enmity towards the hereditary orders amongst us, leave *the corrupt influence of the crown, the treasury boroughs, and the usurpations of the nobility*, as they found them; to poison the source of legislation, and to defraud us of the inheritance of our liberties? Or did they, after adopting war as the best means of extinguishing reform, and with the desperation of men determined on no retreat, aggravate the abuses of representation? Has MR. PITT — that same MR. PITT who once pledged himself "to *exert all his influence as a man and a minister, in favour of parliamentary reform*" — has MR. PITT,

I aſk, even ſince the commencement of the war, ſtrengthened the corrupt intereſts of the borough faction, by picking out for the honours of nobility the moſt conſiderable of the *borough-holding* commoners; and has he even gone ſo far, as to take a man of this deſcription from behind the counter, lifting him up from a city ſhop to a ſeat amongſt the ancient nobles of *England*; for no other conceivable merit, than for having expended a part of his great wealth in the purchaſe of that ſpecies of property, of which ſeats in the houſe of commons are appendages? Theſe are again queſtions my countrymen muſt decide for themſelves. In former publications on this ſubject, I had taken, on authority of the famous petition of May 1793, the majority ſeated in the houſe by the crown, by the borough-holders and the peers, at only 307. In the preſent ſtatement, which appears to have been copied into the news-papers from *Oldfield's Hiſtory of Parliaments*, that majority is now ſaid to amount to no leſs than the dreadful number of 424.

Are or are not uſurpations in one houſe thus fortified by ſeating in the other the authors of them? Without the concurrence of both houſes we know that no peaceable recovery of our rights can ever be obtained; and thus, by giving corrupt men the honours and all the powers of nobility, may a crafty miniſter provide againſt that day when he may ſtand in need of ſuch judges to ſhield him from the juſt vengeance of a much-injured country. Whenever ſuch a miniſter may appear an impeached offender at the bar of the lords, it would not, he may think, be to his diſadvantage, that a great proportion of them ſhould have been indebted to him, either for their original peerages, or for elevations of rank *. And has it, or has it not, been in *the ſame cauſe* which gave birth to the war, and a feature of conduct in perfect conſiſtency with all the reſt, that a ſyſtem of terror has been ſent abroad through the land, and an inquiſitionary ſpirit let looſe to poiſon all the intercourſes of ſociety? And have not thoſe who in their complaints did not obſerve the moſt guarded language, found there were in readineſs for them jails, and hulks, and Botany Bay? "If terror ariſes," ſays *Monteſquieu*, "from "a violation of the fundamental laws, it is ſullen, cruel, and produces "the moſt dreadful cataſtrophes. Soon we ſhould ſee a frightful calm, "during which every one would unite againſt that power which had "violated the laws †."

As, by aſcertaining the *origin of the war*, we aſcertain a fact which ought to have the greateſt influence on our preſent conduct, I entreat my reader to give the queſtion his cooleſt and moſt diſpaſſionate attention. Miniſters having given reaſons for the war which are far too weak for the weight they had to ſuſtain, it is our buſineſs to look farther. He muſt be little read in hiſtory or human nature, who does not know, that whenever deſigning ſtateſmen are about to take a ſtrong meaſure, which muſt bring with it much inconvenience, and muſt alſo at the beſt be attended with danger of great magnitude, the *true* reaſon for the act will generally be the laſt that will be avowed. Even on much inferior occaſions to that we are now contemplating, it is a ſort of proverbial remark, that, whenever there is any thing *to conceal*, men give ſpecious, and ſometimes even *good*, reaſons to others, but the *true* reaſon they keep to themſelves. Experience has therefore eſtabliſhed it as a ſound prudential rule to ſeek the *true* reaſons of men's conduct — not in their *profeſ-*

* The preſent miniſter is ſaid to have laid ſuch obligations on about *one hundred and twenty* peers.

† *Spirit of Laws*, I. 458.

ſions, but in their *intereſts*; not in their *words*, but in their *actions*. Their profeſſions are to gain *others*; but their intereſts govern *themſelves*. Their words are intended to *further* their deſigns; but their actions alone *explain* them.

What then, *five years ago*, was the RULING INTEREST in the boſoms of miniſters and their faction in the ſtate? — Was it, or was it not, to ſecure the unjuſt *dominion* over their country, which a monopoly of ſeats in your houſe of commons, *and the conſequent ſubverſion of your conſtitution*, they flattered themſelves muſt give them? That ſuch an intereſt muſt ſwallow up every other, all hiſtory teaches us to expect; for what has it been but *a luſt of unjuſt dominion*, that in every age has converted man into a monſter of the moſt hideous deformity, and deluged the earth with human blood? In *the luſt of dominion*, every other feeling is extinguiſhed, and every trace of humanity is blotted from the ſoul. Was it then, or was it not, the *ruling intereſt* of miniſters and their faction, THAT YOUR HOUSE OF COMMONS SHOULD BE SUCH AS THE NEWSPAPER I HAVE QOUTED STATES IT TO HAVE BEEN? And were not the direct means to that end, to ſtifle *reform*, and to plunge into *war*? — Truly important queſtions are theſe again for exerciſing the reader's judgment.

And what, from the commencement of the war to this hour, has been the tenour of miniſterial conduct? Has it, or has it not, uniformly been in the ſtricteſt correſpondence with *the ruling intereſt* of men who were capable of carrying on a commerce of corruption with a borough faction, and of ſacrificing their country to their ambition? — Have they, or have they not, fallen on every conceivable device, to bring into diſcredit *reform* and *reformers*? And is it, or is it not, true, that ſo long as their manœuvres had the intended effect, ſpies and informers, like the Jamaica blood-hounds, were ſeen hunting their prey; and parliamentary reformers were the objects of a bitter perſecution? — It is, indeed, the full perſuaſion of my own mind, that, had it not been for the integrity of our juries of 1794, *the pen of reform* would not at this moment be in my hand; but that, for the repeated offences of that pen againſt the borough-holding uſurpers of our rights, my blood would have been all of me that would at this hour have riſen up, and called on Engliſhmen in the cauſe of their country! — Can I ſuppoſe leſs — can I imagine, that a ſingle man who had aſſerted the rights of Engliſhmen, and ſtrenuouſly urged on them a reform in our repreſentation, would have been ſuffered to live, when I have ſeen with what craft it has been attempted in certain proceedings to blend together, as partaking of the ſame nature, *parliamentary reform* and *high-treaſon*? and when in my own hearing the attorney-general declared — that "if the king ſhould conſent to act with any repreſentation, otherwiſe, "than as it is *now*, conſtituted, HE OUGHT TO DIE, and HE TRUSTED "IN GOD HE WOULD DIE *?"

Which ſide, then, of the alternatives in the queſtions I have propoſed to the reader, is it, that furniſhes a faithful picture of the RULING INTEREST, and the CORRESPONDING ACTIONS, of miniſters? If he ſhould think the unfavourable ſide eſtabliſhes what that ruling intereſt was, I would then obſerve, that, when ſuch an intereſt, as A MOTIVE TO WAR, is compared with the flimſy, fleeting pretexts the advocates for a war

* Here he was interrupted by *Mr Horne Tooke*, then at the bar of the Old Bailey on a trial for high treaſon, who repeated the words, as "*worſe than any thing with which* "*that gentleman had charged him*," and as filling him with aſtoniſhment. When he ſat down, the attorney-general reſumed the thread of his ſpeech, but *without explaining away* one ſyllable of theſe extraordinary words. See *Commonwealth in Danger*, p. 81.

were compelled to catch at, the reader must judge, by which of them ministers were really governed. He will also judge, whether, if they had not been carried away by such an intoxicating interest of their own, they could have been so unaccountably blind to the obvious interest of their country, as, notwithstanding her debt of TWO HUNDRED AND FORTY SEVEN MILLIONS, to choose for her a bloody war of certain expense and doubtful issue, instead of an honourable and dignified neutrality, with such an opportunity of monopolising, for the greater part, the commerce of the world, without offence to any power, as no nation ever before enjoyed. And when he shall have contrasted in his mind the immense difference in trade and in taxes; in population, industry, and prosperity; in wealth, happiness and security; between what we have experienced, and do now experience, in consequence of five years of war, and of the influence of the borough faction; who, as you have seen, are stated to have possession of three parts in four of our house of commons:—when, I say, the reader shall have contrasted all this with what, in a happy state of peace, with a reformed representation, we should have experienced, and should now possess; he may then be able in some degree to estimate the dire and destructive effects of *Mr. Pitt's* administration; and to enter into the feelings with which the writer contemplates the character of the man.

And if, from the train of reasoning here presented to the reader's mind, he shall feel a conviction, that the true motive to the war was that RULING INTEREST OF MINISTERS which has been spoken of; what then, in a moral view, must be his sense of their conduct? What must be his feelings, on a contemplation of what his country has suffered, and to what she is exposed, from the prosecution of such a war, in such a cause?—If such, in truth, were the cause of the war, would it not be true, that, to gratify a lust for a corrupt and abhorred dominion, in one monster of wickedness and his vile supporters, this nation has been betrayed, and its every interest sacrificed?—Gracious God! and could the thought be endured, that *in such a cause* the nation should be doomed to groan under a taxation which nothing but precarious dominion at the ends of the earth could enable it to bear; that to gratify the mad ambition of a political Phaëton, and to pamper his faction, the back of industry should be broken with heavy burthens, and our starving manufacturers driven for bread to the trade of the mercenary soldier? We have been continually told, our manufacturing has encreased during the war, and our foreign trade has been greater than ever. How are we to reconcile these assertions with the facts, of the greatest army England ever maintained, drawn chiefly from the manufacturing towns; and the greatest fleet she ever fitted out, monopolising the seamen from the merchants? But if, during even the war, our commerce have been in any degree considerable, the question now is, What would it have been, had we wisely remained at peace?

It is not unworthy of notice, that, in order to silence the clamours of commerce, our merchants are now allowed, by an act of parliament, to sell their goods into *France*; and that, by the direct connivance of ministers, they are even permitted to contract *for clothing the French armies.*

What a paradoxical thing is modern war! especially when called "just and necessary!" Some say, "Perish commerce, live our constitution." Perhaps there are others, ready to bribe commerce into silence, while they cut the constitution's throat; and that, to rivet on our neck the odious, the insufferable yoke of borough-despotism, our com-

merce ſhould be made bankrupt, our lands ſold to ſatisfy a hungry exchequer, our people ſlaughtered, and our conſtitution trampled under the hoofs of a beaſtly corruption!

SECTION VI.

WHEN, conſidering the borough-faction as the root of all national evil—the grand obſtruction to peace,—and that which, in caſe of the war's unavoidable continuance, muſt be the greateſt of all cauſes of national diſunion and weakneſs, we propoſe the only courſe that can give union and ſtrength, we are rebuked, truly, for "ſowing diſſentions at a time when unanimity alone ought to prevail:" ſuch was the language of a certain wiſe and conſtitutional borough-recorder. I remember exactly ſuch a cry for unanimity, from thoſe who loſt us America, and loaded us with taxes to proſecute that infamous war. I remember, too, the preſent miniſter was then of a different opinion; for he not only moved and agitated in parliament and in the nation the queſtion of reform during the war, but he ſupported the neceſſity of it, with arguments that never could be, nor ever have been, anſwered; and in a torrent of eloquence, to which I liſtened with rapture.

A true genuine unanimity built on thoſe virtuous principles by which nature works a reconciliation between hoſtile minds, were indeed a conſummation devoutly to be wiſhed; but thoſe who ignorantly call for unanimity, without *firſt correcting in themſelves the errors which obſtruct it*, are amongſt thoſe ridiculous characters which are the common themes of every ſatiriſt. As thoſe noiſy bellowers of corporation-entertainments, who call for ſilence by the loudeſt vociferations, give the greateſt annoyance to the lovers of converſation and quiet; ſo theſe *friends of government* who ſo loudly, and with ſo much authority, dictate unanimity, are themſelves the real obſtructors and enemies of concord. They may poſſeſs craft, but they want wiſdom; they may abound in cunning, but they are deficient in virtue. And they who have the aſſurance to preach up any other union, than that which is to be founded on a return to juſtice, and a redreſs of grievances, are "*ſowers of diſſenſion*" of the worſt deſcription. They may have unanimity on their lips, but nothing is farther from their hearts. In their hypocritical mouths, unanimity is a mere cant word, to cajole the credulous. 'Tis *not* unanimity they want; but a blind and ſervile ſubmiſſion; for they ſeek it not by the virtuous perſuaſiveneſs of rectitude, but by fraud and intimidation. 'Tis *not* zeal for a *public* intereſt and a *common* cauſe, they attempt to inſpire; but they ſeek to inforce a ſtupid ſurrender of the public underſtanding, and a ſacrifice of every general intereſt, to *them and their faction*.

Can thoſe who conſcientiouſly labour and unceaſingly petition that Engliſh freedom may be ſecured by a ſubſtantial repreſentation on the true and genuine principles of the conſtitution, harmoniſe and accord with thoſe who, while in the very act of bawling for unanimity, are rendering it impoſſible, by their inſidious practices againſt the liberties of their country, and by their rancorous abuſe of ſuch as ſtand forth in its defence?—Being *unanimous*, is "being of one mind; agreeing in deſign or opinion *" Can the patriot and the paraſite of power be of "one mind?" Can the oppreſſed and the oppreſſor, the ſufferer of wrong and the wrong-doer,

* *Johnſon.*

"agree in *design* or *opinion?*" Before this can take place, one of them must recede from his injustice, and the other must abate of his strong resentment: but as an effect must be preceded by its cause, so the former must make the first advances, or there can be no reconciliation.

Had ministers six years ago paid due regard to the doctrine of their great leader *Mr. Pitt*, that "REPRESENTATION IS THE PRINCIPLE OF "THE ENGLISH CONSTITUTION;" and had they honestly used all their parliamentary influence to effect that reform, which he had over and over again maintained was essential to the preservation of the state, and even "necessary to the permanence of a *wise and virtuous* administra-"tion;" should we ever so much as have heard of treason and disaffection?—Would our country have been disgraced, as it has been, by jealousies and suspicions, by spies and informers? And would the time of ministers and privy councils have been occupied in endless examinations of discontented persons? If ministers refuse to do their constitutional duty, can we be surprised that injury should be felt, that resentment should be entertained, and that angry words should be uttered?—If the intolerable grievance of a mock representation is to bear hard upon the whole community (the feasters on the loaves and fishes only excepted), is it possible discontent should not abound, or that indiscretion in the mode of venting it should not sometimes occur? and, indeed, if such a despair of the common-wealth should take place, as to shut out even the hope of reform and of freedom, and to drive into a melancholy secession the parliamentary opponents of ministers, through a persuasion that their presence in parliament only favours public delusion, what is the fruit naturally to be expected from a state of things so truly deplorable?—The answer I leave to the imagination of every reader. I shall only observe, that *unanimity* is the produce of a different tree; and that ministers may have the fruit whenever they choose to cultivate the stock on which it grows.

Here it is expedient to distinguish between *unanimity* and *obedience*.

Our obedience, ministers already have: they have at their absolute disposal, our whole property; and at their absolute command, our whole force. They have only to demand, and it is given;—to order, and they are obeyed. If this, in their hands, be not sufficient to give security to the country against *France*, the fault is in them, not in us.—What want they more?

Do they hope we can forget, that they oppose reform, and deny us justice? Do they ask an oblivion of the miseries they have occasioned by involving us in a disastrous war, the expense of which has already struck at every comfort of life? Do they expect us to be blind to their impolitic, and even to their impeachable conduct, in some of its stages? or to surrender up our conviction of their incapacity to conduct such a war to our advantage; and of their unfitness beyond all other men to end it by a safe and honourable peace?—Are we capable of all this?—If not; to all their other defects they add the folly of demanding an impossibility.

What honest man could be of "*one mind*" with those who had planted their daggers in the constitution?—What Englishman could agree "*in de-*"*sign or opinion*," with those who had trampled on the liberties of his country,—and who recked not the shedding of human blood and the scattering of countless and unspeakable miseries among the human race, that THEY may bear rule!—If no one but their accomplices could thus harmonise with such men, what man who has in his bosom one spark of virtue,

but muſt be ſhocked to ſee, at a moment ſo perilous as the preſent, theſe unprincipled men as ſordidly and as tenaciouſly clinging to their borough-ſyſtem, as in the feſtive and luxurious day of proſperity; and ſyſtematically and unfeelingly adhering with a dreadful ſteadfaſtneſs, to the ſame corrupt policy that hath brought on their country all its calamities!

To ſee in their proper ſhape and colour the true deſtroyers of their country, you muſt look, I once more ſay, at the condition to which the borough-faction have reduced YOUR REPRESENTATION IN THE HOUSE OF COMMONS!!!—'*Nay—but the enemy is at the gate!*'—I ſtill anſwer, LOOK AT THE STATE OF YOUR REPRESENTATION!—'*What, will you not ſtand forth in defence of your country, your liberty, and property, and of all that is dear to a free man?*'—Again, and again I reiterate, LOOK AT THE STATE OF YOUR REPRESENTATION IN THE HOUSE OF COMMONS!—Look there, my countrymen, and read alſo theſe pages with attention, and then decide, whether I be indifferent to the defence of my country; or regardleſs of its liberty, its property, and of whatever ought to be dear to an Engliſhman! Or whether I do not ſhow myſelf a ſincere friend to the only unanimity a wiſe and good man can propoſe, or a wiſe and good man can adopt!—And conſider, moreover, I pray you, who ſhews moſt reſpect and veneration for the LAWS; he who poiſons, or he who labours to purify, *the fountain?*—He who would pervert the law to uphold corruption; or he who would remove corruption to ſecure the law?—He who reſorts to intimidation to quaſh reform, and ſtrikes at the liberty of the preſs, to bind reaſon in chains; or he who under circumſtances of great diſcouragement vindicates the ſacred liberty of the preſs, by employing its agency in the cauſe of a reform which every good man muſt approve, and without which the law of England, by becoming the engine of oppreſſion, muſt ſoon loſe that character which has hitherto been its glory, that it is *the perfection of reaſon?*

There are, I know, ſome, who do not conſider thoſe whom I term the borough-faction, as poſſeſſing power in themſelves, but only as the mere tools and inſtruments of power to the crown; the borough-holders, as they ſay, having no union or connection one with another, and being generally the moſt dependent upon miniſters of any perſons in either houſe of parliament—nay, in moſt caſes, finding the favour of the treaſury neceſſary to the very preſervation of their boroughs—and even when their boroughs are ſecure property—the baſe habit they are in of ſelling the ſeats dependent on them, inclines them to ſell themſelves. The concluſion is, that it is not ſo properly a borough as a court-faction, which, from its very nature, muſt be hoſtile to every plan of reform, and indeed to every principle of liberty.

There is indeed ſo little eſſential difference in the two views of the borough evil, that it can lead to no difference of conduct in the rational friends of their country. And, indeed, all muſt know, that, ſo long as the *forms* of the conſtitution remain, all power ſtolen from the people muſt go into the ſcale of the crown; whoever be the parties that are gratified by a ſhare in the ſpoil:—and all juſt reaſoners muſt ſee, that the crown is the whale, which, if a reform do not take place, muſt ultimately ſwallow the whole borough fry, no more to be ſeen or heard of. But whether a deſpotic ſtrength, to be acquired by feeding on this particular food, will not, as I have elſewhere ſuggeſted, naturally lead to a tranſ-

fer of the crown itſelf, at ſome period not very remote, to the head of ſome able and haughty uſurper, may be fit for the ſerious conſideration of that family by whom it is now worn *.

But we have not yet done with the queſtion of *unanimity*. Can miniſters deſire our unanimity in favour of a *conſtitution*, which a ſhort continuance of the power of a borough-faction muſt inevitably deſtroy? Can they aſk it for a *country*, which, while that corrupt ſyſtem ſhall continue, is not *ours*, but the faction's?—A country in which, if the ſtatement reported in p. 68 be true, *we* have neither repreſentation, nor liberty, nor property left?—but a country over which *the* faction have eſtabliſhed an uncontrouled dominion; and in which every thing, to the laſt ſhilling, is become the property of them, and of thoſe with whom they ſhare their power?

What is our *conſtitutional* form of government? A government of "three diſtinct powers entirely *independent* of each other"—LOOK AT THE STATE OF YOUR REPRESENTATION!!! What is national *liberty*? It is the condition of a nation that is *ſelf-governed*, by means of a *ſubſtantial repreſentation*—LOOK AT THE REPRESENTATION OF ENGLAND!!! What is *property*? According to *Locke*—who wrote when ſuch a thing exiſted—it is that over which the owner has full power and controul, and parts with only by *conſent*; for what property, argues he, hath a man, or a *nation*, in that which others can at their good pleaſure take from the owner *without* his conſent?—Now, how, I pray, is *national* conſent given to taxes? Is this country in a condition in which it *can* give conſent?—LOOK, I ſay, AT THE STATE OF ITS REPRESENTATION!!! If three parts in four of the houſe are returned by the "influence or nomination of peers, by commoners having boroughs, and "by the treaſury;" where, I aſk, is the legal capacity of *conſenting* to *national* taxes to be found?—And if nearly a fourth part openly receive the wages of the crown, which, whatever may be the colourings and ſpecious reaſonings by which this practice is attempted to be defended, common ſenſe muſt pronounce, and experience has uniformly proved, are the wages of proſtitution †; with what aggravations muſt the loſs of a ſubſtantial repreſentation be attended! and where remain the ſecurities of our liberty and our property?

If any one practice can be more flagrantly corrupt than another, it is for the members of the *popular* branch of a legiſlature openly to take money of the *executive* branch, and, without reſigning the ſeats of repreſentatives of a *people*, to become the hired ſervants of their executive magiſtrate. No length of time, no precedent, no ſanction, no authority, no, not even of law, can cure the vice or indecency of ſuch a practice. Profligate as the French are repreſented, they have not diſgraced their government by the imitation of a practice ſo ſcandalous: nor is there a ſingle inſtance of it to be found in any of *the ſeventeen legiſlatures of America*.

Doctor Price has remarked, that "civil governors conſider not themſelves as *ſervants* but as *maſters*. Their ſtations they think they hold "in their own right. The people they reckon their property, and their "poſſeſſions a common ſtock, from which they have a right to take "what they will, and of which no more belongs to any individual "than what they are pleaſed to *leave* him.

* *The Conſtitutional Defence of England*, p. 117.
† *See the liſt referred to in* p. 68.

"What a miſerable perverſion is this of a moſt important inſtitution! "What a grievance is government ſo degenerated * !"

Nay, but that all we poſſeſs "is *the property of the civil magiſtrate*," was actually maintained by a miniſterial writer of much eminence in a former part of the preſent reign; who, indeed, could do no leſs, after laying down the abſurd doctrine, that *all the property*, and *all the rights*, of a people were derived from, and the very gifts of, their civil magiſtrates †.

And we now begin practically to ſee, or rather to feel, the effects of theſe abominable principles. Miniſters having ſo nearly exhauſted the means of raiſing money out of our annual revenue, income, or intereſt, that they are afraid of its breaking the funds: they are now therefore breaking in upon our principal. The act for the multiplied aſſeſſments was the firſt introductory meaſure of this nature; and a ſecond and more deciſive one has followed it in *the ſame ſeſſion* of parliament, in the ſale of the land-tax; and a precedent being thus eſtabliſhed, we know what muſt follow. The direct tendency of this ſyſtem is the annihilation of all landed property and all freedom. In the firſt inſtance, it transfers the land to the poſſeſſors of money, in order that the miniſter may come at the caſh of thoſe people, which he is not otherwiſe able to get into his hands. On the ſame principle that parliament can firſt lay an annual tax on my eſtate, equal to an eighth, a ſixth, or a fifth part, and can then, by calling it a perpetual annuity, ſell it for the government's uſe; — it can ſo create and ſo ſell an annuity equal to the half, or to two thirds, or to the whole. In the principle there is no difference; ſo that the direct tendency of the ſyſtem is to reduce the original landholder to a day-labourer. The property in the hands to which it is transferred being there viſible and tangible to a miniſter, the new poſſeſſors of the land will take their turn; until every ſucceſſive landholder will be at the laſt a mere bailiff to the crown for taking care of the eſtate, and until circulating money will be the mere repreſentative of, and the medium for exchanging, from hand to hand, that proportion of mere articles of the firſt neceſſity which muſt remain to a wretched enſlaved people to preſerve their exiſtence. Thus, in the end, if we are to go on in the ſyſtem which has annihilated *above three hundred millions of national property in one reign not yet ended*, the whole people ere long muſt be reduced to an Egyptian ſlavery. Then another *Joſeph* will ſay "unto the people, Behold, I have "bought you this day, and your land for *Pharaoh*: lo, here is ſeed for you, "and ye ſhall ſow the land. And it ſhall come to paſs in the increaſe, "that ye ſhall give the fifth part unto *Pharaoh*, and four parts ſhall be "your own, for ſeed of the field, and for your food, and for them of "your houſeholds, and for food for your little ones."

If the preſent ſyſtem ſhall continue, and if *France* ſhall not be pleaſed to grant us peace, but ſhall firſt carry the war into *India*, to cut off and turn aſide that ſtream of wealth which ſupplies our *Babylon*; then bring it into *Ireland*, to divide the empire; and laſtly into the bowels of our own country, what ſhort of a deſtruction of all property have we to expect? And what, from a growing apprehenſion of theſe events, will be *Mr. Pitt's* next ſtroke, for ſwallowing at the ſame gulp both intereſt and principal, who can ſay? The cant phraſe of the day amongſt

* *Additional Obſervations on Civil Liberty*, p. 30.

† *Three Letters to Dr. Price*, p. 21; and *Remarks on the principal Acts of the 13th Parliament of Great Britain*, p. 34, 56, 58, 191.

miniſters is, "a part muſt be ſacrificed to *ſave* the whole:" but all the experience we have hitherto had of *their* war, and of *their* wiſdom in carrying it on, is, that the more we ſacrifice, the more is *the whole endangered*. We certainly know, without the light of *Mr. Pitt's* genius for making the diſcovery, that taxation, whether it touch only our annual income or our principal, muſt be in proportion to the *neceſſities* of our caſe: but then comes the main queſtion for the conſideration of an Engliſh people; — BY WHOM are theſe *neceſſities* to be determined, and by WHOSE AUTHORITY is our property to be taxed by wholeſale, or ſold to the beſt bidder?

By the anſwer to this queſtion we muſt learn, whether we are taxed on *Engliſh*, or on *Turkiſh* principles. In *Turkey*, where a *ſoldiery* firſt eat the proviſions of the people on whom they are quartered without paying for them, and that levy on them a tax called "teeth-money," for the wear and tear of their teeth in that ſervice, the ſoldier's *employer*, the grand ſignior, is ſole legiſlator; and of courſe the ſole perſon BY WHOM the *neceſſities* of taxation are to be determined, and BY WHOSE AUTHORITY taxes are to be raiſed *. Between ſuch extravagant deſpotiſm as that of *Turkey*, and the ſubſtantial repreſentation which reſults from the uncorrupted principles of the conſtitution of *England*, I know of no medium but what is the effect of "civil diſcretion," as *Mr. Burke* is pleaſed to phraſe it. When REPRESENTATION is gone, DESPOTISM is arrived; and then the *degree of oppreſſion* is only meaſured by the *degree* of patience, or of baſeneſs, which characterizes the people governed.

FORMS will ſtill be obſerved; becauſe in the obſervance of *forms* are found the ſureſt means of cauſing deſpotic power to take deep root. If a repreſentative body have been known to the conſtitution, the *form* will ſtill be preſerved; and even ſome ſmall remains of true popular election muſt be left, that the ſight of it may the more effectually cheat the people: the aſſemby will probably continue to meet under the ſame *roof*, and within the ſame *walls*; and even in thoſe places where popular choice has entirely vaniſhed, the *form* of a writ, the *form* of an election, and the *form* of a return will be ſcrupulouſly adhered to, as the neceſſary abracadabra of the vile impoſture: and none will ſo inceſſantly and ſo loudly cry out againſt *innovation*, as thoſe who have ſucceſsfully employed it to annihilate political liberty; nor will any ſtun their countrymen ſo much with horrid tales of plots, conſpiracies and treaſons, as thoſe whoſe own plots, conſpiracies and treaſons have overturned the true government of their country, and given an abſolute power of taxation into hands over which the nation has neither controul nor influence, and againſt whom they have no defence; whether it be the pleaſure of the tax-maſter to demand a five-fold impoſt, to ſell an annuity on the people's hand, or to levy a contribution of "teeth-money."

He who contemplates the condition of our parliamentary repreſentation, and the conduct and views of thoſe by whom, as we are told, it is monopoliſed and converted into a private property, will perfectly underſtand what is meant, by an *unanimity* which is *to ſilence us on that particular ſubject*. But, ſhould we be leſs zealous to defend our country againſt foreign invaders, by knowing that none could invade our property or our liberties at home? Could any thing give us ſo ſtrong an inducement to exer-

* Teeth-money is demanded of the peaſants by the Turkiſh Baſſas, as "a contribu-"tion for their uſe of their teeth, worn with doing them the honour of devouring "their meat." *Lady M. W. Montagu's Letter, April*, 1717.

tion, as a conviction that the intereſt we had in our country, was beneficial, ſolid, ſubſtantial, and permanent? Or what could ſo much inſpire us with enthuſiaſm for our laws and conſtitution, as a knowledge that they were laws made by repreſentatives of our own free, independent choice, and that it was a conſtitution of true freedom?

He, then, who calls for unanimity and at the ſame time oppoſes reform, muſt in my humble opinion be wretchedly deficient, either in knowledge, or judgment; in candour, or integrity: and where is the man of real wiſdom, truly inſtructed in the admirable principles and excellent fabric of our conſtitution, who muſt not perceive how inſeparably interwoven, like reaſon and courage in the human frame, are its *civil* and *military* inſtitutions, making in fact but ONE ſyſtem; a ſyſtem at once, and *by the ſame means*, furniſhing a perfect proviſion for national defence, and for national freedom? It has been the want of this happy union of the inſtitutions, or this *identity*, as it were, in the conſtitution of ſtates, which has deſtroyed the liberty of ſo many nations. Separate but the *military* from the *civil* inſtitutions, and from that moment, notwithſtanding all your paper and parchment, your regulations and your enactments, all is in reality at the mercy of the ſword; as could not eſcape the eagle eye of the preſent miniſter's father, and which, as will be hereafter ſeen, at the very time he apologiſed for the inconſiſtency of ſuch ſeparation, he had too much ingenuouſneſs of nature not to confeſs.

But as it is amongſt the ordinary diſpenſations of Providence to bring good out of evil, and as adverſity alſo is the moſt inſtructive ſchool of human experience, we may now reaſonably hope, the fund of patriotiſm produced by our preſent difficulties, and the neceſſity of perſonal exertion throughout the community, will bring forth the fruit of ſerious political reflection; and teach us to view the national danger of the times in all its aſpects; equally attending to that which is foreign, and that which is domeſtic; to that which is civil, and that which is military. If a people's repreſentation were turned from their protection to their deſtruction, the ſtate veſſel might be ſaid to have ſtarted a plank between wind and water; a damage which muſt be ſpeedily repaired, or ſhe inevitably ſinks. And what muſt be the characters of thoſe in ſuch a ſhip holding rank and command, who ſhould be ſo flurried on an enemy's coming in ſight, as to be rendered incapable of guarding againſt the firſt mentioned danger, and of preparing for battle at the ſame time? Or who ſhould be ſo confuſed by their alarm, and in ſuch a fright, as to begin the work of preparation at the wrong end; running out the guns before they even cleared ſhip; and keeping the armed part of the crew at their fighting quarters, while they ought, in the firſt inſtance, to have cloſed a breach in the ſhip's hull likely to carry her down at the firſt broadſide, and otherwiſe to have prepared her for keeping ſafely afloat and fighting to the beſt advantage?

Is it better to have two awful dangers on our hands inſtead of only one? Or are we only ſo to calculate, and ſo to contrive, that as ſoon as our exertions and our courage ſhall have ſecured us a triumph over our enemy, we may go ingloriouſly to the bottom by not being true to ourſelves? Here my countrymen, now ſo unanimouſly and ſo gallantly ſtanding forth to face your *external* danger, is matter for your ſerious conſideration. It lies near enough to the ſurface of things to be thoroughly underſtood, as ſoon as it ſhall attract your attention. If "FOUR "HUNDRED AND TWENTY-FOUR" members of the houſe of commons are in fact "returned by the influence or nomination of peers, or of

"other proprietors of thoſe peſts, the boroughs and the treaſury;" and if "ONE HUNDRED AND TWENTY-NINE" of them are alſo in the pay of the crown, we may indeed, like children, talk of an Engliſh conſtitution, and of Engliſh liberty; but that conſtitution, and that liberty, can have no more real exiſtence, than if *Buonaparte's* ſtandard were planted in every borough town in the kingdom, and *Portſmouth*, *Plymouth*, *Chatham*, the *Tower of London*, and *Mr. Windham's* barracks, were all garriſoned by French troops.

To an unanimity merely in reſpect of arming againſt *France*, it is in no ſort neceſſary we ſhould be either blind or ſilent, on thoſe rights, or on that political liberty, for the ſecurity of which alone it is, that we have any inducement to arm at all. Why are we to repel French invaders?—Becauſe, as the miniſter tells us, and truly tells us, *the property, the rights and liberties of Engliſhmen* would be no more, if *France* were once in poſſeſſion of our country. If, then, we are to defend theſe objects with our blood; if we are rather to ſacrifice our lives than to ſurrender them; is not ſuch a call, a call that ought to arouſe us to a due contemplation of the means of ſecuring them from *every other danger?* If theſe objects be of this high eſtimation, that death itſelf ought to be preferred to their loſs, how ſhall we reconcile it to reaſon, to defend them at ſuch hazard; only that we may ſuffer them to fall a ſacrifice to borough corruption and internal faction?

By all, then, that can touch the heart of man,—by your watchfulneſs againſt the invaſion of your property,—by your reſpect for the laws and conſtitution of your country,—by your love of liberty,—by your wiſh for character, and your regard for morals,—by the remembrance of thoſe anceſtors, who fought to make you free, and by that tender affection towards your poſterity, which ſhould avert from them the horrors of ſlavery,—by all theſe conſiderations, and by every duty you owe to God and man, I conjure you, my countrymen, no longer to ſleep on the frightful precipice of your preſent political danger, at the perpetual hazard of falling into the abyſs of national ruin; but WITH UNANIMITY TO SEEK SUBSTANTIAL REPRESENTATION!

Remember, however, to build your union on reaſon and conviction; and to preſerve it by moderation of conduct. Be unalterably determined, never to recede until crowned with ſucceſs; but ſhow your reverence for your conſtitution, by reſpecting its forms; and your love of peace, by ſtudiouſly avoiding whatever may diſturb it. Recollect that, although nations *will*, individuals only *reaſon*; although the *whole* command, the *parts* only petition. But, above all things, remember the invincibility of TRUTH, and the omnipotence of a PUBLIC VOICE.

In your ſearch after truth, remember that all things in nature have their *teſts*, and that the teſts of our conſtitution are its *principles*. For thoſe which are neceſſary on the preſent occaſion, I refer you to p. 56. Apply them to the condition of your houſe of commons; and you will then truly know your own condition. To ſhew that the principles to which I now refer, are *not* the principles of the Engliſh conſtitution, I challenge—not the deputy recorder of Boſton, for he knows nothing of theſe things, but—to that great oracle and profound ſtateſman, who was once a patriot, then an apoſtate, and is now the prime actor in a nation's ruin.

SECTION VII.

HAVING endeavoured to aſſiſt the reader in tranſlating the miniſterial word *unanimity*, perhaps he can by this time form a tolerable judgment of the *demurrer* to our plea in favour of reform, "THAT THIS IS "NOT THE TIME." In the very phraſe, there is an implied admiſſion of the rectitude of our propoſal in itſelf, as this objection wholly turns upon the *time* for its adoption. We have already ſeen, that during the American war, *Mr. Pitt* moved for reform; and there is a difference in the two periods, that well deſerves to be noticed. At that time, the *extent* of decay, and the *degree* of uſurpation, were ſo little known, that *Mr. Pitt* moved for a committee to inquire into the *ſtate* of the repreſentation; merely as a groundwork for future proceedings. Now it is evident that at that period ſuch an inquiry muſt have been a work of ſome labour, and have occupied a conſiderable time, before any plan of reform could even have been ſketched out. This, however, notwithſtanding the arduous war then on our hands, and the comparative novelty of the queſtion, was not thought by *Mr. Pitt* any reaſon for his deferring his motion, or againſt parliament's entering on ſo extenſive a buſineſs. But a ſtill more imperious reaſon now urges us to the conſideration of the queſtion. Sixteen years' treacherous neglect of reform has brought us with accelerated pace to the verge of ruin.

Beſides, the diligence of individuals has ſince made any public inquiry into the ſtate of repreſentation unneceſſary; the *extent* of decay, and the *degree* of uſurpation, were in 1793 laid before parliament, and the petitioners on that occaſion tendered proof of the facts at the bar of the houſe; but it ſhould ſeem, from more recent evidence, that the uſurpations have much encreaſed even ſince 1793, and that the petitioners of that period were particularly cautious to keep much within the truth. At all events it is certain, that ſuch is now the decay, the corruption and uſurpation in the conſtitution of that houſe, that we muſt either reform or periſh; and that every hour's delay equally adds to the wrongs of the people, and the danger of the ſtate.

When, on the firſt exertions for reform in the American war, it was ſaid, '*This is not the time*,' weak as was the plea, charitable allowances were made. Peace came: but with it came no reform. And when we have ſeen a long interval of peace, only employed to betray reform, to encreaſe corruption, and to ſtrengthen uſurpation, ſtill to admit of the plea would not argue charity, but the moſt egregious folly. Knowing, as we do, that the principles of a conſtitutional reform are well aſcertained, and that a ſingle ſtatute of moderate length would ſuffice for this god-like work, we well know that the two branches of our defence, civil reform and military arrangement, may go on hand in hand, to their mutual advantage and without the ſmalleſt inconvenience; nor can we be ignorant that the real meaning of this diſhoneſt plea is not an objection merely to *the time*, but enmity to reform itſelf.

But if I have wronged miniſters and their agents in not very readily giving them credit for ſincerity, it is at any time in their power to convict me of error; by declaring their agreement to a law for reforming our repreſentation. Nay, if they will couple that conſent with a condition, that the authors of the law ſhall accept a clauſe for ſuſpending the operation of the act until the return of peace, I will retract my injurious ſuſpicion, and no man ſhall be more forward than myſelf to do them honour.

Notwithſtanding the inconvenience that would really reſult from ſuch a delay, and in every view its want of true wiſdom, I ſhould nevertheleſs conſider ſuch a conduct as a proof at leaſt of right intention, and of a ſincere wiſh for union in the cauſe of our country. From a miniſter who ſcrupled not to convulſe the whole kingdom with his highly obnoxious bills two years ago, and who recently ventured on the ſtrong meaſure of the multiplied aſſeſſments, and the ſale of the land tax, we ought to look for ſomething more deciſive, as a bond of *unanimity*, than a ſuſpended benefit, or juſtice delayed; yet nevertheleſs, ſuch an act of parliament as I have ſuggeſted would doubtleſs have happy effects. It would aſſure to us an early planting of the tree of true Engliſh liberty; bearing for its firſt fruits union and ſtrength. Having from that moment invaders of only one deſcription to contend with, all fear would be diſſipated; for no longer could it then be doubted, whether we had a country, and laws, and liberties to fight for. There would be in the land but "one mind—one deſign—one opinion;" becauſe there would be but *one intereſt*. All would be reconciliation, harmony, and rejoicing. Security would be ſecured; and peace, for reaſons growing out of an agreed reform, would not be far diſtant.

One page of this work muſt be given to a certain ſect of moraliſts, who are very laborious in preaching up individual or private reform, in excluſion of parliamentary or public reform.

"*Let every one mend one*," is both the ſubſtance and the ſum of this curious morality; in which the ſect fall ſhort of a very pious old lady, a near relation of mine, who has often ſaid to me, "If every one would "but mend one, how happy the world would be, and *what a world of* "*trouble would be ſaved!*" This good old woman thus admitted in the fulleſt ſenſe the utility of labouring in the cauſe of public reform; whereas the others would fain have us believe, it is all vanity and vexation of ſpirit.

No rational advocate of public reform ever thought otherwiſe, than that private virtue is the ſureſt foundation for public order and happineſs; but what ſort of morality is that, which diſcommends all direct attempts at public reformation, until private reform ſhall be ſo complete, as that public reform ſhall be unneceſſary?

"*Let every one mend one*," is doubtleſs excellent advice; and I will allow it ought in an eſpecial manner to influence the clergy, and all others who aim at reforms more extended than what this precept comprehends: but the ſect I ſpeak of do not offer it as mere advice, but lay it down as a *principle*, and one that is to convict us of preſumption, whenever in the ſpirit of reform we go out of ourſelves; where, as they intimate, we ſhall always find enough to be done.

Now if it be a *principle*, it muſt be of univerſal application. If it be a good principle for adoption, when a corruption of parliament needs correction; muſt it not be equally good and efficacious, when any other diſorders of the ſtate want a remedy? When, for inſtance, theft, or robbery, rape, perjury, or murder, have become common, will this ſanctified ſect only exclaim, "*Let every one mend one?*"—When official peculation hath been practiſed, when garriſons have been ſurrendered for gold, armies betrayed into defeat and ſlaughter, or legiſlators bribed to ſell their country, will theſe ſage moraliſts ſtill content themſelves with crying, "*Let every one mend one?*"—When by the rude hand of violence the peers have been thruſt from their ſtation, or the king from his throne, are we to have no better remedy for theſe diſorders, than what is to be found in this pious drivelling, of "*Let every one mend one?*"—

—What, then, muſt we think of all thoſe who attempt, by ſuch arguments, to diſcountenance the union of Engliſhmen, for reforming that branch of their government, on which their liberties abſolutely depend? —Whether ſuch moraliſts be hypocrites or dotards, can only be known to ſuch as may have patience to travel through a few of their pages.

SECTION VIII.

SECURITY againſt foreign invaſion muſt turn, as I ſhall ſhew, on two different hinges, accordingly as our national government ſhall be *arbitrary* or *free*. If our government is to be *arbitrary*, ſecurity even to *ſuch* a government, which would in itſelf be the people's miſery, muſt be purchaſed and continued at enormous expence—if indeed money could command it at all: but if our government is to be *free*, the cheapneſs, in theſe days of prodigality, with which it would give us ſecurity with an infallible certainty, would be almoſt incredible; as I truſt I ſhall make apparent. If againſt ſuch a power as that of republican *France*, our iſland is to be long defended by hired armies (and that the conteſt ſhall *long* continue is the intereſt and evident intention of our enemy), thoſe hired armies would devour us with the expence of their maintenance. Seeing the perſeverance of *France*, notwithſtanding our preſent land force, backed by the greateſt and the beſt navy the world ever ſaw, ſhe muſt, it is plain, reckon for ſucceſs upon ſomething which does not ſtrike the eye of ignorance or inattention; and none will ſay her ſtateſmen are deficient in ſagacity. The French muſt be convinced our defence is at preſent bottomed on a wrong ſyſtem. Knowing the ſtate of our repreſentation, they muſt know, there is not one intereſt, and therefore, in the full ſenſe of the words, cannot be one mind, between the people and thoſe who hold the reins of government; and reaſoning from hiſtory, they probably conclude, that a people diſunited on account of a general grievance ſubverſive of their true conſtitutional government, and ſtriking at the ſubſtance, and eſſence, and exiſtence of all liberty;—and a people almoſt weighed down with unuſual and alarmingly increaſing taxes;—will not unite againſt them with the cordiality and animation neceſſary to repel the perſevering inroads of an armed nation, fired with enthuſiaſm and fancying themſelves invincible; and indeed, although I truſt the Engliſh nation is diſpoſed, as one man, indignantly to arm againſt the haughty foe, yet it ought not to be diſguiſed, that nothing in nature can ſo much tend to damp the ardour of national exertion, as a privation of legiſlative rights, and having at the helm a man in whom no friend of freedom can confide. Contemplate this miniſter, my countrymen, ſurrounded by the FOUR HUNDRED AND TWENTY-FOUR*: then, and then only, you will underſtand his true character.

Tell me not of his ſplendid talents, nor of his faſcinating eloquence: they are his ſhame: theſe are inſtruments, by which it is a queſtion, whether more ſtates and nations have not been ruined than preſerved? I hope it will not be urged, as evidence of his wiſdom, that his meaſures are carried by a triumphant majority. Is wiſdom ſhown in conferring peerages, in paying ſalaries, or in ſhaking hands with borough-holders?——If you would know the extent of his wiſdom, reckon up

* I quote from the authority, ſuch as it is, already produced; and which no member of either houſe, by a diſproof of the fact, has yet impeached. In ſuch a caſe, if the grand fact exiſt, numerical accuracy is of no account.

the amount of the national debt, and look around to the condition of the empire. But intellectual capacity, be it remembered, is not the primary requisite in a minister. In the catalogue of requisites, the first is INTEGRITY. If here there be a total failure, then great talents in the minister are great curses to the country. Tell me, then, is *Mr. Pitt* FAITHFUL to that constitution of which he himself has told you, "*the principle is representation?*" This is the first question to be put. This is a necessary *test* of his being fit or unfit for the station of minister. If he answer not to this test, he is to be rejected. Tell me not of his financial abilities, and that he is profound in the mysteries of pounds, shillings and pence: so in this commercial country, are hundred. He may possess this, and every other knowledge of a statesman, but without *fidelity* to the principles of our constitution, he is no minister deserving the confidence of an English people; nor ought his ministry to be endured for a moment. Though he speak with the tongues of men and of angels, and have not *constitutional fidelity*, he is no more than as sounding brass or a tinkling cymbal. Although he have the gift of prophecy, and understand all mysteries, and all knowledge; and although he have power to remove mountains; and have not *constitutional fidelity*, he is nothing. And although he bestow all his goods on the poor, and all his time on the public, if he have not *constitutional fidelity*, it profiteth his country nothing. FIDELITY to that constitution, of which "REPRESENTATION IS THE PRINCIPLE," is, I repeat it, the proper *test* of an English minister. 'Tis in his own scales he has been weighed, and has been found wanting. He has long since truly declared "that without a parliamentary "reformation, neither the liberty of the nation can be preserved, nor "the permanence of a *wise* and *virtuous* administration can be secured;" and his own conduct has more than verified his words; for his own administration has greatly added to those wounds of liberty which caused the observation: besides which, in respect to public money, even constitutional decency has been outraged, and a confiding parliament treated as a cypher; and his arrogant spirit feeling no controul, and disregarding the bounds of rectitude, his headlong counsels have in the end involved his country in the deepest calamities, and reduced her to the condition of the desperate gamester, who is playing for his last stake.

Again:—This is the patriot statesman who "pledged himself as a "man and a minister" for exertion in the cause of reform: but when we look for the fruit of this pledge, we find the patriot changed to an apostate.—And is such the man, under whose guidance the nation is doomed to contend for its very being?—Is this the minister, whose morality has been so trumpeted in our ears?

The cottage proverb, that honesty is the best policy, is only a homely way of expressing as grand a political truth as morality has to teach: IT IS VIRTUE ALONE THAT IS TRUE WISDOM: and an English minister ought to know, that *beneficially* to administer the English government, while he betrays its principles, is a natural impossibility: being a government of *freedom*, and its law, *the perfection of reason*, it must be administered on the principles of liberty, under a constant appeal to national reason, or it cannot be administered with WISDOM. If not administered with wisdom, the bitter fruits, whatever may be the endowments of the minister natural or acquired, will be injuries to the constitution, and misfortunes to the country.

That *Mr. Pitt* is a bad *minister*, the ruinous effects of his councils in *England*, and the dreadful consequences of them in *Ireland*, being now the subjects of melancholy history, is very clear: it is high time, then,

that those who support his ministry from a confidence in *his moral character*, should seriously inquire whether he be, or be not, that moral man they have supposed him to be.

On the connected subjects, of the corruption and the reformation of parliament, these persons will find an awkward dilemma. In a case of the highest national concern, implying a *traitorous* sacrifice of the public good to a corrupt private interest, *Mr. Pitt* was either at one time a wanton, and an unprincipled false accuser; or, as prime minister, he must since have become deeply implicated in the iniquity he formerly reprobated. In what system of *morality*, will his vindication in either case be found?

On the subject of the war, and our owing that calamity to parliamentary corruption, I have endeavoured to lead the reader into a train of reasoning, which, to my own mind, is resistless. If the reasoning on the dark side of those questions cannot be refuted, the minister's *morality* cannot be defended: but if that reasoning be founded in truth, his immorality must have been great indeed.

But, as if the good conduct of human governments had no dependence on *morality*, and as if the definition of man, that he is a rational and *moral* being, were to cease the instant he were raised to dominion among his fellow-men, there are casuists who scruple not to set all *ministerial* conduct free from the shackles of *moral* obligation; but who yet, when the *private* conduct of the statesman disgraces the *man*, revolt from *such* immorality; and then they will tell you, they can no longer have confidence in the public ministry of such a man.

Such casuists having been accustomed only to view a certain object of their idolatry in the character of a statesman, first in council, first in authority——a minister to whose superiority of talent all colleagues bend, and in whose superiority of *virtue*, a nation placed an unbounded confidence. What, I ask, would such casuists think, if they saw one so highly gifted, so highly honoured, so highly placed, forgetting all the demands of his own descent, forgetting a father whose towering genius constrained even corruption herself to truckle to his patriotism; what would these casuists think, if they saw that presiding statesman, that man whose eloquence fired our indignation at borough-treason, and riveted us to the sacred cause of parliamentary reform, if they saw him in private playing the part of a pettifogging manager in a corrupt and profligate election, and defiling himself with the dirt of its dirtiest manœuvres? Let these casuists rake into the dirty history of the Westminster election of 1788, if they want to ascertain, according to their notions of a statesman's virtue, *the morality of Mr. Pitt!*

A borough-holding faction may still, if they please, make this man, as most fit, the depository of their confidence; the peers he has created may, if they please, still support his ruinous ministry; *Mr. Windham*, *Lord Spencer*, and *the Duke of Portland*, may, if it please them, still sit down with this man at the same council-board; and my friend *Wilberforce* may, if he can, still give him the vote and the countenance of Yorkshire's representative: but, in the election epistles of this first lord of the treasury, in the dispensing of the ministerial patronage of this parliamentary reformer,—in the accommodating nature of this patriot's principles,—in the motives for involving his country in war,—in his expending more in a year *without*, than *with*, the consent of parliament,—in the audacious doctrine of its being within the prerogative of the crown to contaminate our soil with foreign mercenaries, in any numbers at its discretion,—and in numberless other instances, I have enough of *the*

morality of Mr. Pitt, to make me ſhudder while I reflect that he is ſtill prime miniſter of England!

If, in an imperial country, I ſaw talents and hypocriſy raiſe a man to the ſummit of authority, and apoſtaſy gain him deſpotic power; if I beheld the panders of that power, with Pagan impoſture, ſet up the work of their own hands as an idol, and the credulous join in the worſhip; if I ſaw a malignant abuſe of the idol's authority, to exterminate liberty; and, in the drunken exerciſe of his power, beheld war preferred to peace, and the projects of inſanity ending in deſperation; if I ſaw the people without freedom, and faſt ſinking into beggary; and the empire falling in pieces; and if, under ſuch circumſtances, I beheld the ſervile legiſlators of that land ſtill bowing down before this god of their own making, as did the Epheſians before their goddeſs; while the people ſtill cried out, "Great is our Heaven-born miniſter!" what muſt I think of ſuch a nation, but that it had loſt its reaſon; or of ſuch a miniſter, but that he were the Judas of the conſtitution, and the deſtroying-angel of his country!

But, to return to our own country and to *Mr. Pitt*. I am old enough to have ſerved at ſea while this man's father, with a glory that filled the earth, ſat at the helm of England; and I well know, as I warmly felt, the enthuſiaſm inſpired by an admiration of the wiſdom and virtue of ſuch a preſiding ſtateſman. The ſentiment was univerſal, and from the ſame cauſe; and the teſt of its truth was manifeſted by the common impreſſion, on learning that the object of our veneration was diſplaced, and the reins of government committed to another. Had at one blow, the deareſt friend of each individual in the fleet (and it was a large one) been ſtricken dead, a ſtronger ſenſation of grief and dejection could not have been viſible on every countenance. By what I then ſaw and then felt; as well as by what I now ſee and now feel; I have no heſitation in ſaying, that *Mr. Pitt's* continuance in office is an inſuperable bar to that glowing enthuſiaſm now ſo neceſſary.

My reader may remark, that after the removal of the great miniſter I have mentioned, Engliſhmen ſtill fought bravely for their country. I know they did, and ſo I know they will now, although the preſent miniſter retain his power; but that takes not away from the force of my reaſoning. The queſtion is, would the ſervice be beſt performed under the glow of affection, admiration, and enthuſiaſm excited by the *virtue* of the miniſter; or becauſe it were a *duty* to fight under him, though his character were an object of deteſtation? Beſides, the caſes in ſome reſpects are widely different. Referring to that caſe, we knew the great man we loſt; and of his ſucceſſor we were ignorant; referring to both caſes, our ignorance of *Lord Bute* is a proof our objection was not perſonal; but our knowledge of the preſent miniſter, is our reaſon for wiſhing his removal.

Nature will be obeyed; and if the true cauſes of energy and enthuſiaſm ſhould be wanting, thoſe effects could not be produced. If a man, therefore, who ſhould be conſcious he could not have the confidence of any human being,—who knew the Engliſh conſtitution, and *knew him*,—nay, who knew that even his own faction, terrified at the ruin he was ſpreading around, had had their conſultations to depoſe him; if ſuch a man, I ſay, at a moment when real unanimity, energy, and enthuſiaſm ſhould be wanting to the ſafety of the ſtate, ſhould as tenaciouſly as ever cling to the offices of emolument and dominion; it would only be a new proof to ſuch as he had already given, that it were high

time he were dismissed from his situation. Good God! and shall any man ever call on us for unanimity, while all power shall be in the hands of an apostate? Could we be of "one mind" with him who had trampled on our rights? or of "one opinion" with him who, instead of annihilating the usurpations of a borough faction, had employed them to our destruction? Would such breach of trust be his recommendation to our confidence? or ought he to have our attachment, because we had seen, under his ministry, a portion of the empire provoked into rebellion by a denial of reforms necessary to *freedom*?—In such calls for unanimity, let the reader judge, if infatuation of mind, depravity of heart, or imbecility of understanding, would be most conspicuous? Would it not be saying, if *England* cannot be retained as a patrimony to a devouring faction, e'en let it perish in the form of a province to a foreign power?

SECTION IX.

BUT I have digressed from the designs of France upon this country, to which I was adverting. I now return. It becomes every day, and every hour, more and more evident, that the natural, the cheap, the only defence of nations, is in AN ARMED INHABITANCY. The stimulus to that defence is LIBERTY. With your navies, and your armies, and your *thirty millions a year* for their support, *France* is already acquainted: But she only exerts with more alacrity her powers of hostility; and probably accounts the vastness of your expence, to be more in *her* favour than your own. Change your system, and you will change hers. Reform your representation; strike off the bulk of your expence; while at the same time you arm more than *a million of men*, whose equipments for a generation to come will not cost *two* millions of money; and her threats of invasion will melt into invitations to peace.

Regardless of artificial ditch, or mound of inanimate earth, our seagirt isle would thus become an inaccessible camp; her sole outwork, Nature's restless wave; and her only interior fortification, the living bulwark of her warlike sons. Her hamlets and villages would pour out their hundreds; her towns and cities their thousands and tens of thousands; every rateable house within her wide domain, a castle; and every inhabitant, a possessor and a free soldier: * interested in the security of property and the preservation of peace, proud of the constitution of their ancestors, attached to the laws and customs of their country, and knowing and feeling, that the same chain of loyalty bound the commons, the nobles of the land, and the king upon the throne, in one common interest and duty, Englishmen could not be subdued by the world in arms!

So thought *Elizabeth*, who had uncommon temptations for endeavouring to obtain a standing force at her command, and most favourable pretexts for the attempt, had she not disdained such an instrument of government. The several plots of the bigotted Papists, would have been thought by a prince of ordinary intellect, and one who had desired to follow the *royal fashion* of the age, sufficient grounds for asking such a security; but no one of that sized capacity or turn of mind, would have neglected to improve so capital an opportunity, as presented itself on the equipment of the "invincible" *Armada* for the conquest of this island; when the Spanish commanders thought themselves so certain of success,

* Soldier and Freeman, amongst the antient Germans, were synonimous terms. See *Robertson's Charles* VI. p. 1.

that they had agreed on the several estates and noblemens' seats in England, which were to be respectively the rewards of their enterprize. For obtaining a body of standing forces, could any prince have desired better grounds of *alarm* than these? Were not the *fires of Smithfield*, in which so many protestant martyrs had expired at the stake in torments, then fresh in all mens' memories? And did not the *Spanish Inquisition* then reign in its bloodiest terrors?—But *Elizabeth* neither asked nor raised a single mercenary soldier!

The policy of *Elizabeth* and the policy of *Mr. Pitt* were somewhat different.—Queen of a free republican people, it was her policy to cherish the spirit of English liberty, by standing forth the patron and protector of Dutch Republicans; and steadily to resist and counteract on all occasions that wet-nurse of despotism the papacy.—It has been the policy of *Mr. Pitt*, the minister of a state which (notwithstanding the abuse of words, and the intemperate jargon of the day) is no other than a real commonwealth or republic,* to proscribe republicanism, as a thing peculiarly hateful; and, under his administration, we have seen a corps of English cavalry forming at *Rome*, the very body-guard of the Pope himself! Without being either prophets or sages, here we may discern *the signs of the times*. When the Duke of *Alançon*, struck with the wealth of *England*, and the splendour and magnificence of its court, one day asked *Elizabeth* where were her *guards*, she, turning the discourse, evaded an answer; but taking the duke soon after in her coach through the city, where she received the customary marks of the affection of the people, These, my lord, said she, are my *guards*, who have not only hearts and swords, but purses at my command: And they were guards indeed, who preserved her amid storms for forty years, and crowned her with glory.

Having thus touched once more on this subject,† I shall proceed to offer the great outline of an organization and of arrangements, adapted, as I conceive, to the defence of the south part of our island, by an armed inhabitancy. The defence of *Scotland* may be provided for on similar principles.

But I would have my reader clearly understand, I am not about to draw up any fanciful Utopian scheme; but merely to put into a practical shape, adapted to modern arms and the present times, the military system of our great *Alfred*, of which the solid foundations are laid so wide and so deep in the law of *England*, that the purposed and treacherous neglect of centuries has not been sufficient totally to destroy it; but, intrinsically wise, there it still remains, ready for the salvation of our country as soon as we shall have the good sense to return to it. I shall not pedantically propose for military purposes, the direct revival of the particular tithings, hundreds, or *weapon-takes*‡ of Alfred, because of the great alterations which time has wrought in our population, and of the inconvenient inequalities it would now produce; but dropping the letter, I shall adopt the spirit of his regulations, and give the system such a form as I believe he would, if now in being, give it himself. His bond of immediate

* *People's Barrier*, Introd. v. 1780. *Commonwealth in Danger*, 97, 1795. *Blackstone*, IV. 127.

† See *The Commonwealth in Danger*, and *The Constitutional Defence of England Internal and External*.

‡ The same as *hundred*, or an union of ten *tithings*; which again was an union of *ten households*. The hundred is said to have acquired the name of *weapontake*, because the hundredors in their meetings, were used to touch each others *weapons* in token of fidelity and allegiance. I shall therefore henceforward write this word WEAPONTAKE.

connection, dependence, union, and ſuretiſhip, does not, ſo far as I know, appear to have extended beyond the hundred, although all the hundreds in one county were, I preſume, equally ſubject to the ſheriff. * In reſpect of police, his ſyſtem in its happy effects ſtands unrivalled in hiſtory; and we alſo know that, in reſpect of national defence, notwithſtanding the vaſt inequality of counties, it was completely competent to its end.

But formidable as were *Alfred*'s foreign enemies, the *Danes*, they were not to be compared to the modern *French*, whoſe military knowledge and genius are at leaſt equal to any thing ever experienced amongſt mankind. Were *Alfred* therefore now to riſe from his grave to bleſs us with his wiſdom, we believe he would caſt an indignant frown on the motley military patchwork of miniſters, made up of all diſcordant materials; and we doubt not, that in adapting his ſyſtem of government to the preſent ſituation and circumſtances of *England*, internal and external, he would in ſome ſlight degree vary his original arrangements. In conſequence, on one hand, of that original minuteneſs, and of that order and arrangement, by which he wrought ſuch miracles of police; and in conſequence alſo of the good effects of many ages of civilization, of which he laid ſuch admirable foundations, he would now ſee leſs occaſion than originally, for a cloſe attention to the *ſmaller* diviſions on his ſcale; whereas, on the other hand, in conſequence of the gigantic magnitude and tremendous power of the republican empire of modern *France*, and a very different mode of warfare from that of antient times, he doubtleſs would perceive the *larger* diviſions on the ſcale now demanded the principal care, and ſome alteration; and that there was a neceſſity of henceforward eſtabliſhing, for the purpoſes of national defence, that bond of immediate connection, dependence, union, and ſuretiſhip between *the weapontakes and ſuperior diviſions of the country*, which, for the purpoſes of police, he eſtabliſhed between the *houſholds and tithings*; and this I accordingly conſider as a fundamental principle in our ſyſtem of defence, on which too much ſtreſs cannot be laid.

Remembering then, that we live on an iſland; that our ſea-coaſt is the frontier of our country; and that the beſt diſpoſition of our military force, muſt be that which beſt provides for the ſecurity of this frontier, and without expence; it will follow, that we ought to act on a ſyſtem which ſhall completely unite the inhabitants of the interior with thoſe of the coaſt, in intereſt and duty; and one by which not a particle of national force can lie inert and inactive, when wanted for the defence of our country!

It is therefore propoſed, to divide *England* into eight military grand diviſions, and ſixteen ſubdiviſions, according to the annexed map. Here it will be ſeen, that each, except the central grand diviſion, has its due ſhare of the coaſt, and an extenſive inland territory; and that the ſame properties likewiſe belong to each ſeparate half of the ſame grand diviſions. It will alſo appear, that the whole of the interior part of *England*, not included in theſe maritime grand diviſions, forms the remaining, or VIIIth grand diviſion.

As the map is too ſmall for a complete explanation, it is thought beſt to give the following deſcription of the grand diviſions, by naming the points through which their boundary lines are intended to paſs.

* "But his care was bounded by former eſtabliſhments. He ſeems to have divided *hundreds* into *tythings*. With regard to *counties* and *hundreds*, he only ſubjected them to a "form of greater method and rule." *Hiſtor. Diſſer. on Antiq. of Eng. Conſt.* 251, 256.

Ist. or North-East military grand division.

From Berwick, the boundary line to run southward, along the coasts of Northumberland, Durham and Yorkshire, to the Humber: Then westward, by Whitgift, Thorne and Doncaster, to Sheffield: Then northward, by Barnsley, Woodall, and Askrig, to the north-west extremity of Northumberland: And thence eastward, along the borders of Scotland, to Berwick again.

This grand division to be subdivided by a line from the Tees, by Yarm and Midlam, to Woodal.

The objects of prime importance upon or near the coast of this grand division, are *Newcastle* and *Sunderland*, with their *Collieries*, on which *London* is dependant: also the valuable port of *Hull*.

IId. or East military grand-division.

From the Humber, the boundary line to run southward, along the coasts of Lincolnshire, Norfolk and Suffolk, to Harwich: Then westward, by the Stour, Neyland, Saffron Walden, and Royston, to Biggleswade: Then north-westward and northward, by Harrold, Wellingborough, Harborough, Leicester, Kegworth, and Alfreton, to Sheffield: And thence eastward, by Doncaster, Thorne, and Whitgift, to the Humber again.

This grand division to be subdivided, by a line from Fosdyke Wash, by Spalding, and Stamford, to Harborough.

Its objects of prime importance, upon or near the coast, are *Boston*, *Yarmouth*, *Norwich*, and the port of *Harwich*.

IIId. or South-East military grand division.

From Harwich, the boundary line to run southward and westward along the coasts of Essex, Kent and Sussex, to Shoreham: Then northward, somewhat westerly, by Bramber and Guilford, to Maidenhead; and then somewhat easterly, by Amersham and Luton, to Biggleswade: And thence, eastward by Royston, Saffron Walden, and the Stour, to Harwich again.

To be subdivided, by a line from the Nore up the Thames, to Maidenhead.

Its maritime objects of prime importance, are *Sheerness* and *Dover*. *N. B.* The Dutch once burnt *Chatham*.

IVth. or South military grand division.

From Shoreham, the line to run westward, round the Isle of Wight, and along the coasts of Hampshire and Dorset, to Abbotsbury: Then northward, by Sherborne, and Shepton Mallet, to the Glocestershire side of Bristol: Then up the Severn to Glocester: Then south-eastward by Cirencester, Lichlade, Farringdon, Wallingford, and Henley, to Maidenhead: And thence southward, by Guilford and Bramber to Shoreham again.

To be subdivided, by a line from Christchurch, Ringwood, Salisbury, Ambresbury, Marlborough, and Highworth, to Lechlade.

Besides *Portsmouth* and the *Isle of Wight* (the latter of which used to be shamefully neglected) we have in this grand division the city of *Chichester*, the ports of *Lymington*, *Pool*, and *Weymouth*.

Vth. or South-West military grand division.

From Abbotsbury, the line to run westward and south-westward, along the coasts of Dorset, Devon and Cornwall, to the Land's-End; and north-eastward up the Bristol Channel and along the coast of Somerset, to the Glocestershire side of Bristol: And thence by Shepton-Mallet, and Sherborne, to Abbotsbury again.

To be ſubdivided, by a line from Dartmouth, by Oakhampton, to Biddeford.

Here we have the ports of *Exmouth*, *Dartmouth*, *Plymouth*, *Fowey*, *Falmouth*, and *Briſtol*, and others of ſmaller note.

VIth. or Weſt military grand diviſion.

From Glouceſter, the line to run down the Severn, and weſtward along the coaſt of South Wales, to St. George's Channel: Then northward, and afterwards eaſtward, along the coaſts of South and North Wales, to the Dee: Then eaſtward, to Cheſter and Tarporley: And thence ſouthward, by Whitchurch, Shrewſbury, Ludlow, and Ledbury, to Glouceſter again.

To be ſubdivided, by a line from Abereaſtwith in Cardigan Bay, by Rhyadergowy and Knighton, to Ludlow.

On the coaſts of this grand diviſion, there is no object of prime importance that is in danger: *Milford-Haven* cannot be deſtroyed.

VIIth. or North-Weſt military grand diviſion.

From the Dee, the line to run nothward, along the coaſts of Cheſhire, Lancaſhire and Cumberland, to Solway-Firth: Then north-eaſtward along the border of Scotland, to the north-weſt extremity of Northumberland: Then ſouthward, by Aſkrig, Woodal and Barnſley, to Sheffield: And thence weſterly, by Tideſwell, Macclesfield, Middlewich, Tarporley, and Cheſter, to the Dee again.

To be ſubdivided, by a line from Lancaſter, by Black Burton, to Aſkrig.

Here we have *Cheſter*, *Liverpool*, *Lancaſter* and Whitehaven to take care of.

A bill has been recently brought into parliament to enable the inhabitants of *Liverpool* to provide for the defence of their town, by artillery, &c. and Mr. *Pitt* intimated that the proviſions of that bill ought to be applied generally for the ſecurity of maritime objects. The ſyſtem of defence laid down in theſe pages, by uniting with every part of the coaſt its due proportion of the interior country, in one common bond of intereſt and duty, and the expence to be ſupported out of one common fund, the writer truſts will be found the beſt that can be adopted.

In reſpect to coaſt-towns of trade, which are depoſitories of great wealth, and are in the ſituations of greateſt danger, ſuch as *Liverpool*, *Briſtol*, *Poole*, *Norwich*, *Hull*, *Newcaſtle*, &c. the inhabitants, and immediate owners of the wealth, ought doubtleſs to contribute more largely to the general expences of the propoſed ſyſtem of defence, than the inhabitants of the interior parts of the grand diviſions; but this would be a ſubject for parliamentary wiſdom.

VIIIth. or Central military grand diviſion.

From Sheffield, at the ſouth-weſt corner of the Iſt grand diviſion, the boundary line to run ſouthward and ſouth-eaſtward, ſkirting the IId, or eaſt grand diviſion, to Biggleſwade: Then ſouthward, ſkirting the IIId, or ſouth-eaſt grand diviſion, to Maidenhead: Then weſtward and northward, ſkirting the IVth, or ſouth grand diviſion, to Glouceſter; and ſkirting alſo the VIth, or weſt grand diviſion, to Tarporley: And thence eaſtward, ſkirting the VIIth, or north-weſt grand diviſion, to Sheffield again.

To be ſubdivided, by a line from Ledbury, by Alceſter, and Coventry, to Leiceſter.

In conſulting the annexed map, in which the author's ideas of the beſt military diviſion of Scotland are alſo expreſſed, the reader is to under-

ſtand, that the true boundary lines of the grand and ſub-diviſions, would not in reality be ſo ſtraight as they appear upon the map; but ought, according to circumſtances (chiefly the circumſtance of population) to wind in their courſes to the right or to the left, ſo as never to cut a pariſh aſunder, but always to throw the whole of it into the grand diviſion, or ſub-diviſion, in which its *inhabitancy* ſhould be moſt wanted, for the great object of the plan.

It is propoſed, that each of the firſt ſeven of theſe military grand diviſions ſhould be wholly anſwerable, to the utmoſt of its ability, for the defence of its maritime frontier; and liable to ſuſtain the charge of this defence by an equal aſſeſſment on property throughout its territory; with the exception of fortifying docks, or for other objects properly *national*, and for which parliament ought to provide; and with the farther exception of having, on occaſion of real attack, ſuch a certain reaſonable reimburſement of a part of the expence from the central grand diviſion, (to which every maritime grand diviſion would be a protection) as parliament ſhould direct. Thus the inhabitants of the coaſt and of the moſt inland parts, would be completely linked together in one intereſt and one duty, and the exertion of all would be equally inſured, on the ſame principle of law that we now, in caſes of loſs by riot or inſurrection, recover other damages of the *Hundred*, becauſe it was the duty of its inhabitancy to have defended our property; every perſon who ſhould ſuffer in his property from invaſion of foreign enemies, ought equally to have his remedy at law, againſt the whole inhabitancy of the military ſub-diviſion or grand diviſion; not only as a matter of juſtice but of ſound policy.

But as the Vth or South Weſt military grand diviſion, would have a double maritime frontier to defend, with comparatively a ſmall inland territory and population for the ſupply of military ſtrength; and as the central grand diviſion would have no coaſt of its own, and would be very fruitful in people, it ought at all times of danger to furniſh ſtrong permanent ſuccours towards the ſecurity of that weaker and more expoſed grand diviſion; eſpecially, as places of ſuch importance as *Plymouth* and *Briſtol* lie within its limits.

Nor is this all the military ſervice to be required of the central grand diviſion; it being intended as a reſource to all the others; and its military force deſigned as a *corps de reſerve*, for ſupporting any and every other grand diviſion that ſhould ſtand in need of aſſiſtance; abutting at ſome point upon every one of them except the Vth. for whoſe ſupport proviſion is already made, its ſuccours would always be at hand; and the intelligence of an enemy's appearance would be its ſignal for aſſembling a competent part of its force in the moſt convenient quarters, to be held in readineſs for a march: but ſuch force ought not to advance until actual neceſſity required, and the proper orders arrived.

But, in order that neither the induſtry of the country might be too much interrupted,* nor its tranquillity unneceſſarily diſturbed, it is propoſed that each military ſub-diviſion (being a conſiderable tract of country) ſhould, *in the firſt inſtance*, be anſwerable for repelling invaſion on its own particular frontier, if ſuch invaſion were not very *formidable*; nor ſhould the forces of the other part, even of the ſame grand diviſion,

* The uſe of ſtanding armies depopulates in two ways; as it not only deprives induſtry of ſo many hands as the armies contain, but it greatly diſcourages matrimony, and the rearing of families. Beſides which, the diſſolute manners of a profeſſional ſoldiery have pernicious effects in ſociety, which it ſhould be an object of every wiſe ſtateſman as much as poſſible to prevent.

march to its assistance without express orders from the commanding officer of that grand division; much less should the succours from the central grand division pass their own boundary, without a like order.

And whatever part of the armed inhabitancy, whether of the coast or the interior, should be thus, by proper authority, called into the field, there need be no hesitation on account of pay, as every parish might instantly raise seven or fourteen days pay for its supplementary men, the householders defraying for the time their own expences; previous arrangements being always in readiness for expeditiously bringing a sure market to every camp or collected force, and for preventing an extravagant rise in the price of provisions. But as all expence is to be ultimately borne by a levy on the inhabitants of the grand division at large, the actual appearance of an enemy should be the signal for making such a levy as certain magistrates, situated near the coast, should in such cases be authorised to direct, to be paid into the military chest, for supporting the troops until they could return to their homes. And, in order to provide against the inconvenience of a slow collection when dispatch were necessary, the same magistrates ought also to be empowered to draw such subsistence money, in the first instance, in much larger propor ions from the parishes near the coast than would be their just share of expence on settling the account: And a farther power, that of *borrowing* money for the occasion, ought likewise to be vested in those particular magistrates; who could find no difficulty in so doing, as the bankers and other monied men would doubtless, at such a season, prefer having their cash in the military chest, secured to them by the responsibility of the whole grand division, than in their own keeping. The military treasurer of the grand division, when the service were over, would adjust all these money transactions.

And here it may not be improper to note the probability, that an actual descent of an enemy upon our coast, which, in the present state of things would produce a variety of ill consequences, would, under the system proposed, enrich the military chest, and furnish means of invigorating the system, or improving our defensive arrangements; for we may presume, that, although a levy were made, adequate to make good the pay of every man who marched, a majority of the householders would think so lightly of a few days duty, and the expence attending it, that they would leave in the chest, for public purposes, the pay that should be due to them.

A certain number of tents and camp utensils might, if necessary, be always in readiness near the coast, at the most convenient points; but from the nature of the system of defence here proposed, and the extreme shortness of time that it were likely for the troops ever to be assembled, such provision of tents, &c. need but be very moderate: Nor, indeed, considering that tents are only sheets of canvas; that blankets and tin kettles are to be found in every house; and that canteens might be made useful articles of furniture, does there appear any necessity for collecting stores of such things at all?

It being no unusual thing for a long sheet, doubled at the foot of a bed and turned upwards again, to serve as a pair of sheets, it would only be necessary, in order to be at all times provided with tents, that families of certain descriptions should be required to use some sheets of this kind, 14 feet long and 6 wide. By having the poles and the sheets of uniform dimensions, a tent might at pleasure be made to hold 3, or 6, or 9, or 12 men, &c. the length of the tent being increased by the addition of one ridge-pole for every three men; and every sheet should

cover one ridge-pole, with a ſmall overlap where it joined the next ſheet. This union to be formed, as women faſten half their cloaths, by mere pinning; ſo that the ſheets might be united or ſeparated, and the tents lengthened or ſhortened as convenience required. Now, whether a tent were long or ſhort, all the additional canvas ſtill wanted to complete it, would be a triangular piece for each end.

SECTION X.

NOW, ſuppoſing that, according to Mr. *Pitt*, there are 800,000 rateable houſes in England, it is firſt propoſed, that, with a very few exceptions, every ſuch houſeholder, if able, ſhould himſelf bear arms; the clergy, the King's cabinet miniſters, certain perſons whoſe civil official duties could not be diſpenſed with, all perſons above 60, the infirm, and thoſe of the female ſex, providing arms wherewith to arm a ſervant or dependant, or other truſty ſubſtitute; for whoſe good behaviour the principal ſhould be anſwerable. This we will call our proper militia. Then, at the expence of the rateable houſeholders collectively, in proportion to their property, arms ſhould be provided for the uſe of a ſupplementary militia, equal in number to half the proper militia. The ſupplementary militia to be all able-bodied men between 15 and 45; and ſelected, *in every pariſh*, in proportion to the number of rateable houſes; and the ſupplementary arms ſhould be kept in thoſe houſes in the pariſh, which were rated higheſt to the window tax, and only one ſuch muſquet in a houſe. As far as there ſhould be a defect in voluntary offers, theſe ſupplementary men to be drawn by lot; and themſelves and the males of the whole pariſh, of every deſcription, anſwerable for their good behaviour on the principle of the antient frank pledge in the tithing, &c.

To cut up by the roots all unneceſſary *expence*, and to baniſh all *hiring* of men to perform that defence which is the common duty of all, it ſhould be made the duty either of an able-bodied ſon, or of the ſervant of *higheſt confidential truſt* in every rateable houſe, to bear arms, if able, as the ſubſtitute of his father or employer, if ſuch father or employer were unable; and for every rateable houſe of an occupier who had no ſon or male ſervant able to bear arms, there ſhould be one more arms-bearing man drawn in manner aforeſaid from thoſe not charged with the expence of arms. Thus our national force, old and young, would conſiſt of TWELVE HUNDRED THOUSAND WELL-ARMED MEN. But if any of our houſeholders are already too grievouſly burthened with taxes to be able without diſtreſs to purchaſe a ſtand of arms, all ſuch perſons, on proper proof, might be exempted from the expence; but, as being perſons more intereſted in preſerving peace and tranquillity than many others, they ought ſtill to be liable to perſonal ſervice, to be claſſed among the ſupplementary militia, and to be provided with arms accordingly.

This national force ought to be organized according to youth, manhood, and declining years, and the proper duties aſſigned to each claſs according to a regular ſyſtem. And, in organizing ſuch numerous bodies of men, it would be eaſy to caſt them into a variety of corps, correſponding in ſome degree to the different claſſes in ſociety; ſo as by no means to confound the civil ranks of men in their military duties; but rather to mark the gradations more diſtinctly.

Then ſuppoſing the more aged and leſs able claſſes of this militia to

amount collectively to 200,000 men, there would ſtill remain a force, after the rate of ONE HUNDRED AND TWENTY-FIVE THOUSAND FIGHTING MEN for every grand diviſion of the coaſt, beſides a reſerve of ONE HUNDRED AND TWENTY-FIVE THOUSAND more, to pour down as an overwhelming torrent upon invaders, whenever they ſhould dare to ſet their foot on Engliſh land. The population of the grand diviſions, I know, would vary; but that muſt be in proportion to the property at ſtake, and therefore diſproportions of force, inſtead of an imperfection, would be the contrary.

Under ſuch a national regimen, could the threats of invaſion ever excite any other than mirthful or contemptuous ſenſations? Or could even the deſcent of ten times twenty thouſand men, on as many ſub-diviſions of our coaſt at the ſame inſtant, render it even neceſſary to give, to any other part of the country, intelligence of the event, before the raſh invaders ſhould either be driven into the ſea or captured? But what, on our preſent ſyſtem of defence* might be the effect of ſuch combined attacks, I would rather the reader ſhould reflect on than experience.

Theſe military ſub-diviſions of the country being again more minutely divided, by an union of contiguous pariſhes into elective diſtricts returning each *one* member to parliament; and having its proper magiſtracy and police within itſelf, both in reſpect to civil and military duties and arrangements, we have the outline of a ſyſtem, by which, at once, liberty, order, tranquillity, defence and œconomy, would be happily combined, and completely ſecured. And how, in proceſs of time, the experience of advantage would point out ſuch further improvements, as ſhould amount to a complete renovation of the wiſe inſtitutions of the immortal *Alfred*, adapted to modern times, need not now be mentioned. An intelligent *inquirer concerning the military force proper for a free nation of extenſive dominion*, ſpeaking of the proper union of civil and military power, obſerves, "By the old conſtitution of *England*, military power, "diſtributed in the ſame ſalutary manner through the various ranks of "people, under the juſt and neceſſary controul of the crown, SEALED "THE POSSESSION OF THEIR CIVIL RIGHTS."†

Foreſeeing the great obligations I muſt have to *Lord Hawkeſbury's Diſcourſe on the Eſtabliſhment of a National and Conſtitutional Force in England*, originally publiſhed in 1757, I would inform my reader, that that work was written after the firſt attempt at obtaining the modern militia had failed in parliament; and that the ſucceſs of the meaſure ſhortly after, ought, in a very great degree, to be attributed to the arguments of that book. The work, indeed, has uncommon merit, and ought to be in every Engliſhman's poſſeſſion; and conſidering the ſtate of the nation at that time, it contains, perhaps, all upon the ſubject which a wiſe man could with propriety then offer. Thoſe who know the hiſtory of the period in which it was written, muſt duly eſtimate the difficulty of accompliſhing the patriotic meaſure then carried, and can alone do juſtice to the judgment ſhewn by his Lordſhip, in confining his exertions to a recommendation of the particular meaſure then in agitation.

But ſuch is the nature of all policy intrinſically wiſe, that arguments in favour of a ſingle ſtep in the line of rectitude, muſt equally recom-

* This was written before the introduction of Mr. *Dundas's* act. What alteration that act will produce we do not yet with certainty know. On that act I have a few obſervations to make in their proper place.

† Page 83.

mend another and another ſtep, as neceſſity ſhall require and opportunity promote. His Lordſhip's foundation is the very ſame as that on which I build; and, conſequently, in a work of ſuch merit reſting on that foundation, my ſuperſtructure muſt find the moſt ſolid ſupport. If his Lordſhip, ſince the publication of that work, ſhall be thought to have taken a line of political conduct not much in uniſon with the patriotiſm it diſplays, that is for him to reconcile to himſelf and the public: But ſuch a circumſtance muſt add to, rather than detract from, the value of the work; becauſe it was written when the mind was uninfluenced by court favour, or the faſcinations of power, and appears to have been dictated by a pure love of Engliſh liberty, guided by a ſuperior knowledge of the Engliſh Conſtitution. I ſcarcely, indeed, recollect a ſentiment in it, to which my mind did not cordially aſſent, except in one particular, and that not in principle but in mere OPINION. It will be found in page 67.

That the perfection of *military ſtrength*, as applied to DEFENCE, lies in the perfection of *political liberty*, no man at all inſtructed in the ſcience of government can doubt; but, in the Engliſh Conſtitution, and Common Law, military ſtrength and political liberty are ſo completely interwoven, it is impoſſible their union ſhould be overlooked by the moſt careleſs obſerver of our legal hiſtory; and *Lord Liverpool*, (for ſuch is now his title) accordingly, begins his admirable work in theſe words:

"The Conſtitution of every free Government is ſubject from time to "time to a ſort of *dangerous criſis*, which demands the attention of all "who are concerned for its preſervation; a body, whoſe parts are ſo "various and ſo nicely framed, is by nature liable to frequent diſorders. "The fluctuation of property, the changes of manners or diſpoſition in "the people, and the *ſhifting of power from one neighbouring ſtate to an-"other*, muſt variouſly affect it. In abſolute monarchies, evils of this "kind ſeldom happen, and are eaſily removed by the interpoſition of "that power whoſe will is the ſimple and ſole reſource of ſuch a go-"vernment; but in the more complicated machine of a free ſtate, "greater caution muſt be uſed: If the conſtitution is only through age "impaired, IT MUST BE CALLED BACK TO ITS FIRST PRINCI-"PLES; but if ſome new emergency has ariſen, a new remedy muſt be "applied; ſuch an one, however, as is *agreeable to the nature of the con-"ſtitution*, and capable of being woven into the very ſpirit of it, leſt it "ſhould chance to form an intereſt contrary to it, and in the event "prove more fatal than the diſorder.

"The hiſtory of this country abounds with more of theſe *critical pe-"riods* than any other; and it is owing to the proper uſe our anceſtors "made of them, that our government has long been advancing by va-"rious ſteps towards perfection; they withſtood the repeated attempts "both of papal innovation and regal oppreſſion; and though their "ſtruggles frequently produced violent fevers in the ſtate, *yet the conſti-"tution always came forth in more perfect health*, and ſome new ſecurity "was obtained for our freedom; and whilſt almoſt every other nation of "*Europe*, who, like us, deſcended from one free and common ſtock, "long ago became the ſubjects of arbitrary power, and reſigned their "liberty, this Country has always proved a faithful guardian of that "ſacred depoſit, and has alone improved the bleſſing."

Nothing can be more juſt than theſe reflections; nor can any thing, I apprehend, be more obvious, than that our country is now again arrived at one of thoſe "critical periods," in which "it muſt be called back

" to its first principles," agreeably to the anxious wishes of the most intelligent friends of the constitution, expressed in their frequent petitions, and in innumerable writings for twenty years past; during which period the crisis (if I may be allowed the expression) has been growing more and more critical, until, at length, the increase of external danger and internal difficulty, have impressed the necessity of reform even on the minds of the most unreflecting; and nothing stands in the way but the idle bugbear of an ALARM, which, in the course of these pages will, I trust, be found totally without any foundation in reason or nature, and, indeed, a disgrace to the age; an effect easily to be traced up to its proper cause, an interested and corrupt delusion.

On this subject, of the necessity of reform, perhaps the writer may claim to have an opinion not altogether unworthy of attention, as for more than twenty years his pen has been engaged in the cause, and frequently in opposition to the writings and speeches of men most distinguished for learning, genius and wit, of any this age has produced. On this subject he can honestly say, that all this learning, genius, and wit, have, in his judgment, vanished before *the simple truths of the* CONSTITUTION, like vapours before the sun; and he himself, so far as he has had a share in the controversy, assumes no other merit than that of steadily and perseveringly holding up those truths, to confound and disgrace the flimsy sophistries of perverted talents; nor has the cause the smallest occasion to shrink at the new attack made upon it by the satirical author of *The Pursuits of Literature*; as, in a subsequent section, the writer will endeavour to shew.

Even now, humiliated as we are, and apparently on the eve of ruin, so just in his opinion is the reasoning of the noble lord, that provided we have the wisdom and virtue to reform our government, our constitution would once more revive and " come forth in more perfect health" than it ever yet enjoyed. In this animating hope he is not only confirmed by the noble lord's general reasoning, but from a consideration of the specific reforms in contemplation; and how *necessarily* they must afford us " new securities for our freedom," being perfectly " agreeable " to the nature of the constitution, and capable of being woven into " the very spirit of it."

Or rather, they are already of its very essence; and, if effected, would unite the practice with the theory of the constitution, more perfectly than ever was yet experienced. Duly estimating the effects of such a cause, and the advantage of that superior knowledge in the science of government now possessed beyond what was at any period known to our ancestors, we should have a just right to expect this " more perfect health" in future, as a natural and, indeed, a necessary consequence of the measure; for why our constitution should not now go on " advancing toward perfection," as it has done on all former occasions, on the application of remedies and reforms, no rational and sober man will maintain.

That the writer has been guided by the same views of his subject as those taken by his lordship, will now appear; for in page 15, he says, " Our *Saxon* ancestors, as much as they are ridiculed for their ignorance " and barbarity, were possessed of one piece of knowledge, superior in " real use to many modern refinements, I mean that of wisely constituting civil societies; *their military establishments were, however, the* " *distinguishing parts of their government*; by these they were *all* bound

" to the defence of their country, whenever it was attacked; and the " nature indeed of ſociety ſeems to require, that they who enter into it " for the preſervation of their property, ſhould *equally* join in repelling " any attempt that might be made upon it. This obligation, therefore, " was *the common fealty and allegiance which every native owed*, and " which, if neglected or refuſed, according to the old *Saxon* law, ren- " dered the party guilty of *High Treaſon* againſt his country, and his " eſtate under the penalty of forfeiture. Theſe were called forth into " ſervice as often as occaſion required, by command of the general aſ- " ſembly or Gemot; and ſo far was the chief magiſtrate from having " any authority in this reſpect, that as long as our anceſtors remained in " *Germany*, he was himſelf occaſionally choſen by the ſame aſſembly " that gave orders for this militia to march: But when the *Saxons* came " over into this iſland, and the office of principal magiſtrate, through " the neceſſity of affairs, from temporary became perpetual, the power " of the militia *ſtill continued in the ſame hands*; the King indeed went " in and out before his people, and led them to battle, but he could not " legally call them out into ſervice without the common conſent; and " though, on ſome urgent and extraordinary events, the uſual forms of " government in thoſe ſimple ages might be omitted, and the people, " confiding in their prince, might come forth at his ſole motion to de- " fend their country, yet this they did upon the conſideration of the " neceſſity, not from any opinion of the right; ONCE A YEAR THEY " WERE CONSTANTLY MUSTERED; and when they went to war, " they collected themſelves together in thoſe little bodies called *decen-* " *naries*,* and thereby each man *fought in the ſight of his relations or aſ-* " *ſociates*. Their rule of diſcipline was ſtrict; it was not, however, " ſettled at the diſcretion of the prince, but by the orders of the ge- " neral Gemot.

" At length, however, when the feodal tenures came to be grafted " on the old *Saxon* conſtitution, another ſpecies of militia was then in " vogue, more acceptable to princes of an arbitrary turn of mind than " the former, as being more ſubject to their commands; this may be " termed the feodal militia, to diſtinguiſh it from the other, which I " call the *Saxon* or National."

His lordſhip then traces the hiſtory of theſe two jarring ſyſtems; and, ſpeaking of the *feodal*, he ſays, in page 20: " But the power of the " crown over *this* militia cannot be urged as an argument in favour of " the ſame claim over any other ſpecies; ſince the perſons, of whom " this conſiſted, were bound to thoſe duties, not as ſubjects but as ten- " ants; not as *freemen* but as *dependents*; not from any principle of the " *conſtitution* but only by the law of *tenures*:† As tenants, they were " diſtrained if they omitted their duty; and, as tenants, they freed " themſelves from any farther obligation by quitting their fee, &c."

And noticing the ſtatute of 13th Edward I. touching the *free* or *Saxon* militia, he adds, " Conſtables were to be choſen twice every year, who " in their reſpective hundreds, were to have THE INSPECTION OF " ARMS, and to preſent defaulters, *according to the ancient aſſize*." p. 22. It was provided, " that none ſhall be diſtrained to go out of their " counties, unleſs becauſe of the neceſſity of the ſudden coming of " ſtrange enemies *into* the realm;" (23) and, under the arrangements

* The tenth part of a weapon-take or hundred.

† Long ſince utterly abolished by act of parliament.

now offered to the conſideration of the public, it will I truſt be ſeen, that the *embodying* of a militia; ſyſtematically marching it to *a diſtance from its own home;* keeping it up *as a ſtanding force* for ſeveral years together; and with the ſame *expence* as the other ſtanding forces; are all miſchievous inventions, utterly unneceſſary to national defence, while the inconveniences are great and obvious.

His lordſhip then proceeds to touch upon the cauſes of the decline of the free *Saxon* militia; amongſt theſe he notices our *foreign wars*, and *civil commotions;* in neither of which the "*national militia* could have "any concern;" the former being carried on by volunteers, and the other by *feodal* troops, or ſuch tenants as the contending parties could reſpectively bring into the field. Coming down to *Henry VII.* he ſays, "This King was of too arbitrary a turn of mind to be fond of a *national* "militia; every part of the conſtitution was declining apace, and *Henry*, "and all his deſcendants of the family of *Tudor*, made too frequent "infringements upon it; troops of this ſort were beginning now indeed "to be *unfaſhionable* in *Europe;* Lewis XI. had lately eſtabliſhed a "*ſtanding force* in *France;* and *Henry*, who had ſpent his days of exile "in that part of the world, had learnt from thence, how unfit a *con-*"*ſtitutional militia* was for *the illegal purpoſes of prerogative.*" (26.)

But on his lordſhip's words in the cloſe of this part of his work, it is very important to make a few remarks: After noticing the repeal in the firſt of *James I.* of an act of *Mary*, touching "a new aſſeſſment of "arms, &c." he adds, that "in the *twenty-firſt* * of the ſame king, the "13th of Edward I. was alſo taken away; ſo that *this ſpecies of a* "*militia ſeems, by theſe repeals, to have been wholly extinguiſhed;* and "though that great obligation (which every member of ſociety muſt "always be under, and which was one of *the firſt principles of our con-*"*ſtitution)* of being obliged to defend the community, whenever it was "attacked, could not but ſtill ſubſiſt; yet as no poſitive law was left to "direct the ſubject in what manner he was to give his aſſiſtance, the "whole remained in confuſion and uncertainty, and from hence in part "aroſe that variety of opinions on this head, and thoſe unhappy con-"tentions which we meet with in the ſucceeding reign."

His lordſhip did not obſerve, that the 33d of Henry VIII. c. 9. which ſtrongly inforced the poſſeſſion of ſuch weapons as were *then come into military uſe*, as well as the conſtant exerciſe and practice of arms, under penalty for neglect, ſtill bore its teſtimony to the exiſtence of the antient militia; and he ſeems not to have been ſufficiently impreſſed with this very material truth, that the antient Saxon *militia* for defence of the nation againſt "outward enemies,"† and the *power of the county* "for "to keep the peace,"‡ were one and the ſame body of men, and, even to this moment, "includes the whole *civil* ſtate, from the duke to the "peaſant;"‖ and "that the common, and ſtatute laws of the realm, "in force at this day, give the *civil* ſtate in every county a power, "which, if it were perfectly underſtood and continually prepared, would "effectually quell any riot or inſurrection, without aſſiſtance from the "*military*, and even without the modern riot act." But we owe it to the perſpicuity of the author laſt quoted, "that the ſtatutes of *James I.*

* By miſtake of the Printer, made the *twenty-fifth*, a period to which *James* did not live.

† 33 *Henry VIII. c.* 9. ‡ 13 *Edward I.* 2. *c.* 6.

‖ *Jones's Inquiry into the Legal Mode of ſuppreſſing Riots*, p 14, 11.

" removed the *neceſſity* only, and not the *propriety* of having arms, for " to keep the peace." And in juſtice to *James*, it is but fair to obſerve, that to have compelled every one in *his* time, to have furniſhed themſelves with arms and armour long fallen into diſuſe, would have been abſurd.

The ſtatute of Wincheſter, which he repealed, commanded, " That " every man have in his houſe *harneſs** for *to keep the peace*, after *the* " *antient aſſize*; that is to ſay, every man between 15 years of age and " 60 years, ſhall be aſſeſſed and SWORN to armour, according to the " quantity of their lands, and goods; that is, to wit, from fifteen " pounds lands, and goods forty marks, an hauberke, a breaſt-plate of " iron, a ſword, a knife, and an horſe; and from ten pounds of lands, " and twenty marks goods, an hauberke, a breaſt-plate of iron, a ſword, " and a knife;" and ſo downwards through ſeveral other degrees, to the leaſt oppulent claſſes.

The repeal therefore of a ſtatute that in its *letter* was become burthenſome and uſeleſs, was unqueſtionably right; but why *James* did not revive its *ſpirit*, by a ſtatute adapted to the arms at that time in uſe, his lordſhip well explains to us, in what he has ſaid about a *free* militia having grown " unfaſhionable in *Europe*," and in a ſubſequent obſervation (p. 65.) that " arbitrary princes have for theſe three laſt centuries " neglected their militias, and for their own views rendered them purpoſely uſeleſs and undiſciplined."

Whence it is remarked by *Sir Wm. Jones* (p. 11.) " It is in every " one's mouth, that, in all violent breaches of the peace, the ſheriff of " the county is not only authorized but commanded to raiſe the *poſſe* " *comitatus*, and forcibly to ſuppreſs the tumult; but if moſt of thoſe, " who uſe this expreſſion, will examine their own minds, they will " preſently perceive, that they utter words which convey to them no " diſtinct idea, and that *the power of the county*, like many other *powers* " in nature and juriſprudence, is very ill aſcertained, and very imperfectly comprehended."

" We cannot begin our inveſtigation," ſays *Sir William*, (p. 12.) " under a more certain or more reſpectable guide than Chief Juſtice " *Fineux*, whoſe words I ſhall tranſcribe from that more venerable repoſitory of genuine *Engliſh* wiſdom, the year books:† *At the begin-* " *ning*," *ſays that learned judge*, " *all the adminiſtration of juſtice was in* " *one hand, namely, in the crown; then, after the multiplication of the* " *people, that adminiſtration was diſtributed into counties, and the* POWER " *was committed to a deputy in each county, viz. the viſcount or ſheriff;* " *who was the king's deputy to preſerve the peace;* and thus it is, *that all* " *people muſt, in obedience to him, be* READY *in defence of the realm, when* " *enemies come: thus too was he aſſigned to be a conſervator of the peace, to* " *puniſh malefactors, to defend the realm when enemies invade it, to be at-* " *tendant on the king in war-time, and to cauſe all people in his county to go* " *with the king to defend the land againſt enemies.*"

Now the whole object of the military part of the preſent work, is merely to promote the revival of *this conſtitutional power*, under arrangements adapted to modern arms, modern military ſcience, modern danger, and modern neceſſity; ſo that theſe reproaches, of ignorance in the people, and an intended obſcurity in the laws, may be done away.

* Meaning *arms* as well as *armour*. † 12 *Henry VII.* 17.

SECTION XI.

IF under ſuch a ſyſtem as we have propoſed, the poſſibility of an hoſtile deſcent could be ſuppoſed, advantages not yet noticed would reſult. That part of the country, which was the ſeat of war, would always be perfectly known to thoſe charged with its defence; and to excite their vigilance and inflame their courage, their own property and dwellings, their wives, parents, children and kindred, would be the immediate objects of their protection. Theſe are conſiderations of no ſmall importance; but which are wholly defeated by the preſent rule, of always removing the militia from its own county. The inhabitants of the interior part of each ſub-diviſion, being equally ſubject to all *expence* from a protraction of the war with thoſe lying nearer the coaſt, would be prompt in bringing forward their ſuccours.

Of ſuitable depots in the interior of every ſub-diviſion, for the cattle and corn, and other proviſion to be conveyed to from the coaſt in caſe of a deſcent, I ſay nothing; as, for reaſons hereafter to be aſſigned, they will be found unneceſſary. But if they could be neceſſary, they could not be ſo well provided for as under a ſyſtem, that would afford guardians for all ſuch property, who were not only *intereſted* in its preſervation, but in ſeeing that no improper value was ſet on it by the owners, nor any wanton deſtruction made, with a view of being paid by the community for the loſs.

The whole of this ſyſtem would receive its life and energy from the nobility and gentry of the country, as the civil magiſtrates and military officers, by whom it muſt be carried into execution; and whoſe prime intereſt it would be, to watch over the principles of its foundation, to cheriſh its ſpirit, and, by a due obedience to the laws enacted for its exiſtence and regulation, carefully to guard againſt its neglect and decline. Thus would the noblemen and the gentlemen of *England*, once more riſe from that dangling court dependence and frivolous inſignificance to which a corrupt government has in a great meaſure reduced them, to ſituations of real dignity and importance in the ſtate. And by taking their proper poſts, civil and military, in ſuch an organization, they would have every influence in their counties, and all that affection and attachment of their neighbours, which are ſo grateful to men qualified to ſhine in ſuch a ſphere.

It is to be kept in mind that our free Saxon militia wholly reſts on *civil* foundations, and that arms-bearing is only a part of the duty of every *citizen*, who, although occaſionally *military*, is not ſo in the modern ſenſe of the word, by which we now underſtand a ſoldier, hired for his "SOLD," or his pay, and ſubject to military law, that is, to the mutiny act, and to articles of war framed *by the king alone*. In the early periods of our conſtitution, before its genuine Saxon inſtitutions were debaſed by the Norman alloy, the ſame elections gave at once civil power and military command; as muſt needs be the caſe when it was the object at once to organize the whole community for the purpoſes of regulation and ſecurity. How admirable the inſtitution which gives the choice of military commanders to thoſe whoſe liberties are the objects of preſervation! and which never creates a military officer without conſtituting at the ſame time and in the ſame perſon a civil magiſtrate, neceſſitated to become converſant with the laws of his country, and having no intereſt but in preſerving the conſtitution!

The ſtanding army of *Charles* VII. of *France*, was the firſt in Europe. His pretended fears of an invaſion from the Engliſh, in order to recover

their loſt territories in that kingdom, together with the dread his ſubjects had of ſuch an enemy, prevented their ſeeing the danger to public liberty from this meaſure. *It ſoon brought the military power of the feudatory barons into contempt, and their ſervices in the field into diſuſe.**

Similar cauſes have produced ſimilar effects on the condition of the modern repreſentatives of the antient barons of *England*; which cauſes, together with the conſequences of the civil policy of *Henry* VII. have ſhorn the peerage of much of its ancient honours, and of its dignified eſtimation in the eye of the people; as well as of its influence on the happineſs of the country. The military commands in higheſt eſtimation, and which hold precedency in the field,—formerly the grand theatre of the noble,—are no longer theirs; but in the hands of a profeſſion. A nobleman now, if an inſurrection ſpring up under his noſe, or if a privateer land to pillage his eſtate, has no *power of the county* to come at a call, to repel the inſult, or to reſtore the public tranquillity. What could be ſo degrading to nobility,—the deſcendants of antient barons,—as the infamous riots and conflagrations at *Birmingham*, when peers of the realm were ſeen ſoothing, and flattering, and beſeeching the miſcreants they ought to have been in a ſituation of deterring from ſhewing their impious heads; or to have cruſhed by the ſtrong hand of military power, the moment they had commenced their miſchiefs?

And can the nobleman and the man of family and fortune look back to that day of England's foul diſhonour, when her capital was in flames, and at the mercy of the verieſt brutes that ever bore human ſhape; while lords were ſkulking from their habitations in affright? Can they, I ſay, look back to ſuch events, and not rejoice in helping to reſtore to full vigour and energy, thoſe laws which muſt at once give into their hands the whole military force of the kingdom; and to their country, aſſured tranquillity and repoſe, although the ſtorm of war were ravaging and afflicting every other ſtate in *Europe*?

Under the ſyſtem we propoſe to revive, of which uncorrupt and annual elections would be the ſoul; and under which the repreſentative, inſtead of taking the ſcandalous wages of ſervility from the crown, would receive from the public that he ſerved, an honeſt, though a frugal compenſation for attendance; the Houſe of Commons would become an attractive theatre to virtuous ambition, and a fruitful ſchool of ſtateſmen. Under ſuch a regimen it never could reſemble two herds of mute animals contending for the paſture, under the diſcipline and guidance of a few conductors on each ſide, depending for ſucceſs on the phyſical weight and ſtrength of their reſpective herds; but all would be "MEN, high-minded MEN;" reaſon their guide, and the good of the public their goal!

The animated Ode now in my thoughts, is ſo perfectly in uniſon with the ſentiments which breathe through theſe pages, that, although it be in poſſeſſion of the public, I cannot reſiſt the temptation of tranſcribing it. This Ode is with the writer what the Iliad was with *Alexander*. He cannot be without it; nor can he read it too often.

ODE by Sir William Jones.

What conſtitutes a ſtate?
Not high-rais'd battlement or labour'd mound,
Thick wall or moted gate;
Not cities proud with ſpires and turrets crown'd;

* *Robertſon's Charles* V. vol. 1, p. 113.

Not bays and broad-arm'd ports,
Where, laughing at the ſtorm, rich navies ride;
Not ſtarr'd and ſpangled courts,
Where low-brow'd baſeneſs wafts perfume to pride;
No:—MEN, high-minded MEN,
With pow'rs as far above dull brutes endu'd
In foreſt, brake, or den,
As beaſts excel cold rocks and brambles rude;
Men, who their *duties* know,
But know their *rights*, and, knowing, dare maintain,
Prevent the long-aim'd blow,
And cruſh the tyrant while they rend the chain:
Theſe conſtitute a ſtate:
And ſov'reign LAW, *that ſtate's collected will*,
O'er thrones and globes elate
Sits Empreſs, crowning good, repreſſing ill;
Smit by her ſacred frown,
The fiend *Diſcretion* like a vapour ſinks,
And e'en the all-dazzling *Crown*
Hides his faint rays, and at her bidding ſhrinks.
Such *was* this heav'n-lov'd iſle,
Than *Leſbos* fairer and the *Cretan* ſhore!—
No more ſhall *Freedom* ſmile?
Shall *Britons* languiſh, and be MEN no more?—
Since all muſt life reſign,
Thoſe ſweet rewards, which decorate the brave,
'Tis folly to decline,
And ſteal inglorious to the ſilent grave.

This Ode cannot be better followed than by the following lines* in honour of its authors:

He too, whom Indus and the Ganges mourn,
The glory of their banks, from Iſis torn,
In learning's ſtrength is fled, in judgment's prime,
In ſcience temp'rate, various, and ſublime;
To Him familiar every legal doom,
The courts of Athens, or the halls of Rome,
Or Hindoo Vedas taught; for him the muſe
Diſtill'd from *every* flow'r Hyblæan dews;
Firm, when exalted, in demeanor grave,
Mercy and Truth were his; he lov'd to ſave.
His mind collected, 'gainſt opinion's ſhock
JONES ſtood unmov'd, and from the Chriſtian rock,
Cœleſtial brightneſs beaming on his breaſt,
He ſaw THE STAR, and worſhipp'd in the Eaſt.

In the eſtimation of the writer of this Appeal, to have loſt the dominion of the whole Eaſt Indies, would have been a lighter calamity to this country, than the loſs of the man whoſe death we now lament.

Here it may be neceſſary to obviate objections to the ſyſtem of a conſtitutional arming as recommended in the foregoing pages. How, it will

* *Purſuits of Literature*, IV. 101.

be demanded, are our foreign ſervices to be provided for? — I anſwer; it will be ſeen, that in addition to our taxed houſeholders, who certainly ought not to be ſubject to foreign ſervice, we have already included in our training, *four hundred thouſand* ſupplementary men. Here then is a body — to uſe the words of *Machiavel*, — "out of which an army might "preſently be raiſed upon any ſudden emergency;" as was the practice of ROME and GREECE in their beſt days; when, without expence, or debauching, trepanning, or ſweeping of jails, invincible armies were ſometimes raiſed, the war began and ended, and every ſoldier returned to his habitation again, in the courſe of a few weeks, or a few days.

The employment of troops at ſea, as marines, muſt be accounted foreign ſervice. Let the Supplementary Militia, then, furniſh men for this ſervice, by a rotation, or by voluntary offers; no man continuing on marine duty longer than three years; or beyond the firſt arrival of his ſhip in England after the expiration of that period.

As *a proper peace eſtabliſhment* of land officers for marine and other foreign ſervices would be neceſſary; it might not be convenient to put upon half pay ſuch as might return to England with their men, at the expiration of the temporary employment of thoſe men; but to leave ſuch officers on full pay, during their detention at home; at all times in readineſs to receive ſuch new ſoldier as might be draughted for them, or to proceed on ſuch commands as ſhould be given them. As to all the inveigling, tricking and trepanning of recruiting parties, it would be rendered wholly unneceſſary; and the ſooner the country were rid of the diſgrace of ſuch practices the better. If volunteers were deſired, let a ſuitable addreſs be printed and circulated through every pariſh, and voluntary tenders of ſervice be made binding by law.

And guards for the king's perſon, and to ſupport his ſtate, might be ſo furniſhed by a rotation of privates only; all the officers, down to the corporals, being on a permanent eſtabliſhment; if ſuch an arrangement were thought adviſeable, otherwiſe, for the men to have their proper officers.

In reſpect to engineers and artillery, let the preſent corps, as ſeminaries, remain. But a contemplation of the foregoing ſyſtem will ſhew, it muſt put an end to all jealouſy on the part of government; and conſequently, to whatever obſtructs a complete defence of the country. In every ſub-diviſion, then, of England, there ought to be, at the leaſt, three or four particular rallying-points, or *military ſtations*, which ſhould be the depots of its cannon, with all their ammunition and apparatus. At theſe military ſtations, while the cavalry and light corps flew to the point of deſcent, to reconnoitre and to haraſs the enemy; the grand columns of infantry ſhould firſt rendezvous, (the gentlemen at arms* taking the poſt of honour); and with their own overwhelming numbers, advance to put an end to the invaſion and the invaders: Not, by attacking in bodies of unweildy or unneceſſary magnitude; but proportioned to that of the enemy; ſo that every man of the body making an attack, might get into cloſe fight; and ſo that, if the firſt attack failed, another with freſh troops might be made; and ſtill, if neceſſary, another, and another, until farther reſiſtance ſhould be beyond the powers of exhauſted human nature to ſupport. But no attack ought to be made without firſt ſending a ſummons to ſurrender, in hopes of preventing the effuſion of human blood.

Cold and unfeeling muſt be the heart, and clouded the underſtanding,

* The reader will ſee the creation of this corps in due time.

of that ſtateſman, who does not provide for his country's defence in its *freedom*. What an idea do we form of the energies of liberty, when we contemplate *Attica*,—whoſe territory exceeded not a medium Engliſh county,—reſiſting the invaſion of the Perſian monarch, the powerful deſcendant of the all-conquering *Cyrus!*—We ſee the Perſian, to make ſure of his prey, pour into this little Grecian ſtate, an hundred thouſand choſen men. Ten thouſand Athenian citizens arm, and march; and they are joined by one thouſand Plateans. Meanwhile, the invaders penetrate to within twenty miles of *Athens*. Jealous of the Athenian fame, and anxious to ſhare with their ally in the glory of defending their common country, or to periſh in the attempt, the hardy ſons of *Lacedæmon* march two hundred and ten miles in three days.* Unparallelled effort! Glorious enthuſiaſm!—But they have the mortification to arrive too late. The eleven thouſand have already triumphed, and immortalized the field of MARATHON!

The artillery ſhould be firſt provided by parliament; but ever after upheld at the expence of the military ſub-diviſion to which it belonged. The military ſtations might each be the reſidence of a general officer, and a ſtaff adapted to the ſyſtem; and their beſt poſitions would be at a diſtance of ſome miles from the ſea, not merely to guard againſt ſurprize, but for the purpoſe of pouring down upon any given point in the greater force; for the latter of which reaſons theſe parks of artillery ſhould be formed at thoſe points from whence branched off the greateſt number of roads to the different parts of the coaſt. And the ſyſtem itſelf is on ſo very large a ſcale, as to furniſh the means of greatly leſſening at leaſt, if not of wholly obviating the inconveniencies which might be ſuppoſed to reſult to our preſent military officers, whenever the army might be diſbanded. If any thing of that kind remained to be done, the nation ought to do it amply and nobly.

Nor, when the remains of the old ſyſtem ſhould, with the preſent generation, paſs away, could we ever be in want of military commanders. With the Roman example before us; with our ſkill in tactics, and in all the branches of military ſcience; with our variety of foreign ſervices; and with the habits of an armed nation; ever keeping alive a martial ſpirit, military commanders equal to all the demands of our ſituation never could be wanted.

But it may be ſaid—'Although, in the rude and hardy ſtate of Saxon 'ſociety, the military ſyſtem of *Alfred* might be the beſt; the ſtate of 'ſociety is now ſo totally changed, that, ſo far from its now being our 'wiſdom to adopt the ſame ſyſtem, we are not even capable of it.' This, in my mind, is, in the firſt place equivalent to ſaying, we muſt ſurrender our country to *France*. And in the next place I muſt remark, the difficulty and hardſhip is merely imaginary. The change lately wrought, as it were in the twinkling of an eye, in the military character of France, were of itſelf a ſufficient anſwer to the objection. Now I ſhall, indeed, grant, that as ſuch a change in ſo ſhort a time, not even *neceſſity* itſelf un-

* According to Dr. *Gillies*: but it ſeems to be an error. Although the queſtion, reſpecting Greek meaſure, may not yet be decided among the learned, ſtill the improbability of ſuch a march being within the powers of an *army*, is ſtrongly againſt the opinion of thoſe who contend for the ſtadium being of ſo great a length as ſome repreſent. *Iſocrates* calls this march 1200 ſtadia, which, at 604 Engliſh feet to the ſtadium, according to *Guilletiere*, brings it down to 137 miles and a fraction. This being nearly 46 miles a day, is ſtill a ſurprizing march for an *army* to continue for three ſucceſſive days. This admeaſurement correſponds tolerably with the diſtance between *Sparta* and *Marathon*, upon the maps in my poſſeſſion.

der the deſpotiſm of monarchy would have produced, without the aid of a *revolution* eſtabliſhing a free government; ſo likewiſe, ſtrong as is our own *neceſſity*, we can neither recover the ſyſtem of *Alfred*, nor could we profit by it, *without parliamentary reform.*

I know, indeed,—AND SO DOES MR. DUNDAS—that we may form military aſſociations in every hundred of every county; aye, and in every pariſh of every hundred; but, without a parliamentary reform, all the good effects of this exertion muſt again vaniſh, and is intended to vaniſh, as ſoon as it ſhall have ſecured miniſters in their places, by bringing *France* to terms of preſent peace; although it ſhall be a peace which, in conſideration of their ſtrength and our weakneſs, cannot be durable.

I do not ſet up for a worker of miracles. I do not even ſay, that, with the aid of reform, ALL the taxed houſeholders of England could be converted into good ſoldiers. I know as well as any man the difficulties in the way of ſuch an attempt. But ſtill I ſay, the weakeſt or moſt unweildy of ſuch houſeholders, if not a cripple, may be taught to ſtand in a rank, and prime, load and fire a muſquet at the word of command, for keeping the peace, and the preſervation of property, againſt a miſchievous rabble; while better men face a more formidable enemy: I alſo ſay, every ſuch houſeholder can *purchaſe a ſtand of arms*, and that ſuch as are too old, too infirm, or too effeminate, might be required by law, to make a ſon, a ſervant, or ſome other truſty perſon, his military repreſentative. But the ſyſtem, under all the diſadvantages of modern manners and habits, if once adopted by the legiſlature, after a reform in the repreſentation, would infinitely ſurpaſs, in public force and public œconomy, any thing we can experience from a ſtanding army. A new generation muſt neceſſarily ſpring up, before the ſyſtem could arrive at that high finiſh and perfection of which it is capable; as an eſſential feature of it muſt be to have the uſe of arms well taught in all ſchools and ſeminaries of learning whatever, where our youth after twelve years of age ſhould be brought up; under ſuch ſanctions as ſhould abſolutely inſure the attainment of ſufficient ſkill; than which, nothing could be more eaſy. In antient times, "every man-child, being of the age of "*ſeven* years and above, was to be provided with a bow and two ſhafts, "to induce, and learn them, and bring them up in ſhooting;" as may be ſeen in the Statute of 33 *Hen.* VIII. *c.* 9.

To talk of arming a nation, by a beautiful organization, and arrangement; and forming a whole community into battalions of excellent ſoldiers, of all neceſſary deſcriptions, and without confounding the civil ranks of men in ſociety; would I know, ſeven years ago, have been to talk Arabic to courtiers and dealers in confidence. In vain ſhould we then have referred theſe unconvincibles, to their bibles or their Roman hiſtories, to ſhew that ſuch had been the practice in the republics of *Iſrael* and of *Rome*; as the Iſraelites and the Romans were *antients*,—a ſort of being ſome think there is no imitating; and equally vain would it at that time have been to have referred them to the modern *Swiſs** or *Americans*; becauſe theſe do not live in *England*, and, conſequently, as ſome imagine, know nothing. To have referred them to more recent republics, would be down right ſedition

The excellencies of our conſtitutional ſyſtem of arming have very long attracted the admiration of the writer; and from time to time, as the ſtate of public affairs has tended to remove modern prejudices againſt it,

* Since this paſſage was penned, it has been ſeen that the neglect of military exerciſe has expoſed to defeat that *Swiſs* militia, which, while properly trained, performed as great atchievements as ever adorned the page of hiſtory.

he has occaſionally touched upon it. So long ago as in the year 1782, he bore ſome teſtimony in its favour; and at different ſtages in the preſent conteſt, he has again done the ſame. On firſt raiſing the yeomanry cavalry, he moved propoſitions agreeably to that ſyſtem; in 1795 he recommended it generally; and in 1796, he rather more particularly explained its legal foundations and its benefits. † The public mind keeps pace with his efforts; and, indeed, a ſucceſſion of events calling every year for greater pecuniary and perſonal exertions than the preceding, and making ſtronger impreſſions of our danger, have hitherto confirmed his reaſonings, and ſtrengthened all his arguments on this ſubject; ſo that he believes the time is now come, when even, on the military part of our conſtitution, an unreſerved appeal may be made to public opinion; not only without giving offence, but with a proſpect of doing ſubſtantial good.

He cannot be ignorant that in reſpect of military, as well as of civil reform, there are thoſe who, notwithſtanding the perpetual *innovations* of miniſters, will ſay, "this is not the time;" who will miſrepreſent every man that attempts it; and who will have reaſons to offer which, while it is their turn only to ſpeak, they will contrive to make ſpecious, if they cannot make them ſolid. With all due ſubmiſſion to this claſs of politicians, the writer thinks all times are proper, not only for practiſing, but for recommending reform; provided it be done with integrity and diſcretion: but that the times moſt propitious to the introduction of right ſyſtems, are thoſe when the ill effects of wrong ones are moſt ſeverely felt; and when heavy expence, diſtreſsful privations, and the apprehenſion of ſtill greater evils to come, diſpoſe the public mind to embrace whatever inſures preſent relief and future ſecurity.

With theſe ſentiments, he ſhall proceed to unfold ſomewhat more circumſtantially than he at firſt intended, the nature and effects of the conſtitutional ſyſtem of arming, as he wiſhes to ſee it carried into execution.

SECTION XII.

IT will at one glance be ſeen, that, although the writer retains the true principle and ſpirit of *Alfred's* military ſyſtem, yet he has endeavoured to accommodate it, in a ſomewhat more complete form than he found it, to our future defence. Seeing the enormous power to which republican *France* has attained; and looking forward to that period, when ſhe muſt have at her command a powerful navy; as well as to the poſſible ſeparation of *Ireland* from our empire, it has appeared to the writer to be the trueſt wiſdom, not to loſe a moment in forming arrangements, whereby every portion and every point of our coaſt would at all times have the moſt complete ſecurity; and by means of which, every particle of national force might, on one uniform, ſimple, all-embracing ſyſtem, with eaſe be brought into action, with the utmoſt celerity, and the moſt perfect order. And when the ſtate is ſinking under its pecuniary burthens, and cannot poſſibly much longer defend itſelf by the extravagant invention of hired armies, the abſolute neceſſity of cutting off the expence of them, has in no ſmall degree confirmed him in his admiration of the antient conſtitutional ſyſtem. And perhaps a wiſe ſtatesman will think the preſent, the fitteſt time for ſo radical a change in our military ſyſtem; as the neceſſity of the greateſt preparations, and the enormous weight of the

† *See the Commonwealth in Danger, and the Conſtitutional Defence of England.*

expence, are now both ſtrongly impreſſed on the public feeling, and muſt in the higheſt degree tend to recommend a ſyſtem, which gives *invincible ſtrength*, without *exertion*; and *perfect ſecurity*, *without expence*; for ſurely it were an affront to manhood, to call the mere military exerciſe, an *exertion*; and equally an affront to our underſtandings, to call a ſaving of many millions per annum, an *expence*.

Between two rival *armed nations*, if either could entertain the mad idea of invading the other; the defenſive nation, if ſhe acted with common prudence, muſt ſoon wear out the other with expence. In order to *invade*, armies muſt be kept in the field, in all the forms, and with all *the expence* of war; whereas, the nation to be attacked, especially if a ſea intervene, may be carrying on all her productive operations of the plough, the anvil and the loom, much the ſame as in peace; and with no more troops in actual pay, than juſt ſufficient for centinels on the coaſt. Her country is her camp: on a ſignal, ſhe is under arms; and where ever an enemy can land, a force infinitely ſuperior is ready to give a good account of them.

If, indeed, it be our intention *to march to Paris*, we are now acting in character; but if ſelf-defence be our object, we are prepoſterouſly incurring the expence of invaders; and thereby throwing away the immenſe advantage which it is in our power to take.—No propoſition can be more evident, than that if we compel *France* to act the expenſive part of *invader*, while we put ourſelves in a poſture of defence, on the incomparable and œconomic ſyſtem of *Alfred*, ſhe muſt ſpeedily be ſenſible of the neceſſity of treating for peace: But by our preſent conduct, two very important effects are produced; by wearing out our own ſtrength faſter than that of our enemy, we make it her intereſt to continue the war; and by furniſhing her with ſo ſtrong a motive to continue the war, we ſtimulate her to fall upon other powers who cannot reſiſt her; which muſt ſtill augment her ſtrength and her aſcendancy in *Europe*; for if ſhe had not an Engliſh war, as a pretext for keeping up her enormous armies, it is probable the public voice in *France*, would ſoon reduce the Directory to the neceſſity of ſheathing the ſword.

How far the author's propoſed grand and ſub-diviſions of the kingdom, and the reaſons of them, may be conſidered as an improvement of the antient ſyſtem, muſt be left to the deciſion of military and political judges.

To proceed a little farther in explanation, without attempting to go into very minute detail, he would, then, propoſe that each military ſubdiviſion of England ſhould be farther divided into *weapon-takes*, agreeably to the antient *military* diviſion of our counties; and that as many pariſhes, hamlets and townſhips as ſhould contain 1800 taxable houſes, (as nearly as might be) ſhould be formed into one *weapon-take*. Then ſuppoſing, (for ſake of the explanation) 1800 to be the preciſe number, each *weapon-take* would furniſh its *brigade* of 2700 men, conſiſting of 1800 proper militia, and 900 ſupplementary. This force, with a view not only to national defence, but to the counteracting alſo of any inconvenient notions of equality, might be thus diſtributed.

	Battalions.	Troops or comp.	No. in a company.	No. in a corps.	No. in the whole eſtabliſhment.
Cavalry . . .	0	1	60	60	26640
Gentleman at Arms	0	1	60	60	26640
Grenadiers . . .	1	8	50	400	177600
Light Infantry .	1	8	50	400	177600
Infantry of Column	3	24	50	1200	532800
Reſerve	1	8	50	400	177600
Light Artillery .	0	2	40	80	35520
Heavy ditto . .	0	2	50	100	44400
				2700	1198800
			Add the fraction	. . .	1200
					1200000

As the *cavalry* would of courſe conſiſt of none but men of rank, family or fortune, as beſt able to keep at all times a military horſe and furniture, the term *cavalry* would neceſſarily become a title of honour; and if it ſhould be thought the application of the ſame term to the hired dragoons that might at any time be raiſed for foreign ſervice, would counteract that effect, we might, by only reviving the well-known Engliſh name of *cavalier*, ſecure to the gentlemen who bore it the elevation and diſtinction here intended. The *gentlemen at arms* being then taken from the moſt reſpectable perſons for birth and property after the cavalry or cavaliers had been ſelected, would conſtitute another marked link in the chain of diſtinction; and might have amongſt them many even of the higheſt claſſes who might rather prefer the foot to the horſe ſervice.

In general, ſuch a troop of horſe and ſuch a company of foot as here propoſed, might perhaps include all the perſons in a *weapon-take* entitled to, or deſirous of a particular diſtinction. But as, in this ſyſtem, contrary to that of a ſtanding army, by conferring rank, elevation, and diſtinction, inſtead of loading the *public* with expence, we gain pecuniary reſources, ſo there could be no objection to leaving theſe two corps open, for as many volunteers as ſhould chooſe to ſerve in them, and who poſſeſſed the neceſſary qualifications appointed by law. And the ſame, and other beneficial purpoſes would be anſwered, if in time of war, the cavalry or cavaliers of a military ſub-diviſion ſhould unite themſelves into ſquadrons of four troops each, and chooſe amongſt themſelves three field officers to ſuch ſquadron; in which caſe the vacancies made by ſuch election ſhould be filled up again, ſo as ſtill to have each troop fully officered without any field-officer interfering with the ſeparate buſineſs of a troop. And the like practice with regard to the gentlemen at arms, might alſo have good effects. Nay, indeed, I ſee not why ſuch unions might not be ſerviceable alſo in peace; and therefore become a regular part of the ſyſtem.

The following table will exhibit at once the force of each *weapon-take*; and the particular number of perſons holding each rank in the whole kingdom; in which will be ſeen, at one view, the ample proviſion made againſt too much equality.

	Colonels.	Lieut. Colonels.	Majors.	Captains.	Lieutenants.	Cornets.	Enfigns.	Serjeants.	Corporals.	Drummers.	Privates.	Totals.
Cavalry or Cavaliers	0	0	0	1	1	1	0	3	3	2	49	60
Gentlemen at Arms	0	0	0	1	1	0	1	3	3	2	49	60
Grenadiers . . .	1	1	1	8	16	0	0	16	16	8	333	400
Light Infantry . .	1	1	1	8	16	0	0	16	16	8	333	409
Column	3	3	3	24	24	0	24	48	48	24	999	1200
Referve	1	1	1	8	8	0	8	16	16	8	333	400
Artillery	0	0	0	0	5	0	0	5	5	0	165	180
	6	6	6	50	71	1	33	107	107	52	2261	2700*
	2664	2664	2664	22200	31524	444	14652	47508	47508	23088	1003884	+1200
				76813				95016				1200000

Some may ſay, But here is a force far greater than neceſſary for national defence, notwithſtanding the gigantic power to which *France* has attained. I truſt it is; and the conſtitution, in requiring to have the military ſervices of every man at its command, *intends it ſhould be.* The ſecurity of the ſtate, like the chaſtity of *Cæſar*'s wife, is not to be a ſubject of doubt; and he is a miſchievous projector, who makes national defence a matter of nice calculation; eſpecially when he is to draw upon the patriotiſm and not upon the purſes of the people, for his ways and means. Great however as this force is, there are powerful reaſons againſt making our military ſtrength much leſs; and I believe no reaſon of ſolid weight can be given, why it would better our condition to leſſen it at all. Of thoſe *who are of ability to purchaſe arms*, you cannot conſtitutionally exempt a man; and if you once let in upon you a corrupt partiality, you open a door to every abuſe.

At all events, not a ſingle houſeholder who, on account of property is included among thoſe who are to bear the burthens of the ſtate, ought on any account to be excuſed from *poſſeſſing* good arms, although infirmity or ſex ſhould render it neceſſary for ſome of them to confide them, in the day of danger, to truſty ſubſtitutes. If you once violate this principle, in ſteps "the fiend diſcretion," with *excluſion* in one hand, and *monopoly* in the other, and liberty is no more. Now, no one I believe will maintain, that our taxed houſeholders are thoſe who ſhould compoſe armies for *Gibraltar*, the *Eaſt* or *Weſt Indies*, or for *Canada*; nor can any one ſhew the propriety of keeping up at immenſe expence an hired army in *England*, always equal to the ſupply of ſuch ſervices. Here then is an unanſwerable reaſon, for training to arms a great maſs of thoſe who are not houſeholders, ſo that all foreign ſervices may be promptly ſupplied by men uſed to arms; and wanting nothing but the finiſhing touch of the adjutant to make them capital ſoldiers. Now, the larger the maſs of men fit for ſuch ſervices, unqueſtionably the better; and the more eaſily, promptly, and œconomically they will be furniſhed: beſides that, in the

* Taking this number as a root, it gives for the number of the *Weapon-takes* 444, with a fraction on the whole of 1200, † which is accordingly added to make the grand total.

eye of every wiſe ſtateſman, to diffuſe as widely as poſſible the true genuine military ſpirit, is to exalt the national character.

For farther arguments in favour of this ſtrength, I refer my reader to the conſideration of the rivalſhip of *France;* of her immenſe power; of the folly there would be in our diſarming in time of peace, while ſhe muſt neceſſarily remain armed; and, finally, whether the author of theſe pages be not right, in propoſing a ſyſtem by which the moſt energetic invaſion by that energetic republic, might be defeated with as much eaſe as a well-armed city quells a paltry riot in its ſtreets. *England* once armed as he propoſes, were all *Europe* to cruſade it to her holy land, no heart would palpitate with apprehenſion; no countenance would be overcaſt with gloom. There would be no buſtle in the cabinet; no crude acts to frame in parliament; no alarm; no trouble; no expence; no hurry-ſkurry through the country; no motley medley of military aſſociations to form; nor coſtly armies to be encamped here, nor barracked there: but an armed people, with a dignified ſerenity, enlivened only by an animation and ardour natural to the occaſion, would come forth to ſmite the daring foe, as a bridegroom cometh out of his chamber, and as a ſtrong man rejoiceth to run a race.

In order, if neceſſary, to pay ſtill farther attention to the civil ranks of men, than appears already viſible on the face of the ſyſtem, thoſe of the infantry who were of the ſuperior orders in ſociety, might have an option of ſerving in the *flank companies*, who, on that account, ſhould be entitled to wear ſome mark of diſtinction; and theſe diſtinctions in favour of rank and property, might be rendered particularly ſubſervient to the intereſts of the ſervice, by requiring the cavalry, the gentlemen at arms, and the flank-company men, as well as all officers, in proportion to their rank, to contribute more largely than others to the contingent expences of the ſervice; ſuch as furniſhing artillery horſes, ammunition, &c.

It is ſcarcely neceſſary to obſerve, that the grenadiers and light infantry ought to be ſelected for activity and bodily vigour; and the reſerve be compoſed of the ſtriplings and the aged. To the latter, of courſe, would fall all ſtationary ſervices, and ſuch as partook of the nature of garriſon duty; as well as convoys and eſcorts, the ſuperintendance of pioneering, intrenching, breaking up of roads, &c.; for it is only in the laſt reſort they ought to engage an invading enemy.

The next queſtion is, how to train ſo immenſe a body of troops as 1,200,000; for although we have ſeen in *France* as great a number brought to the higheſt perfection of diſcipline, it will be ſaid, we muſt not expect the like exertion, without a like neceſſity; and it may be thought, that in time of peace, our armed *poſſe* would degenerate into as errant *trained bands* or rather *untrained* bands, as were ever in *London* the objects of deriſion. But thoſe who are apt to under-rate, what are called undiſciplined ſoldiers, will do well to recollect the battle of *Jemappe*, and the early victories of *Pichegru;* nor may it be amiſs to conſult *Lord Clarendon*, who, ſpeaking of the battle of *Newbury*, ſays, "The London "trained bands, and auxiliary regiments, (of whoſe inexperience of "danger, or any kind of ſervice, beyond the eaſy practice of their "poſtures in the artillery-garden, men had till then too cheap an eſtimation) behaved themſelves to wonder; and were, in truth, the preſervation of that army that day; for they ſtood as a bulwark and rampire to defend the reſt, &c. &c. b. 7, p. 347.

I ſhould not now go farther than principles and outlines, were it not

neceſſary ſo far to touch on detail, as to obviate ſuperficial objections, which might create a prejudice to the true conſtitutional ſyſtem of arming; in which I muſt requeſt the patience of the inſtructed reader, while I addreſs a few obſevrations to thoſe of leſs information.

The foundation of the ſyſtem being the legal obligation of *all men*, under high penalties, to obey the civil magiſtrates "upon cry made for "weapons to keep the peace," * in order forcibly to ſuppreſs all riot or inſurrection; as well as to join the king's generals, for repelling invaders; it follows, that *the poſſeſſion of arms*, and arms adequate to ſuch ſervices, is the DUTY of all who are of ability to purchaſe them. †

The many antient laws for muſters of arms, and for giving ſkill in the uſe of them, ought to be carefully revived; the ſpirit of them to be preſerved; and all thoſe defects which occaſioned their falling into diſuſe, ought to be carefully amended, by applying the intention of them to the arms now in uſe, and by introducing into thoſe laws *a ſelf-enforcing* principle. If England have men deſerving the name of ſtateſmen, this, notwithſtanding the luxury and the commercial ſpirit of the age, might doubtleſs be done.

The great and excellent *Sir William Jones*, in his work before referred to, (p. 10) had ſaid, "In this awful interval a queſtion occurred to me, "which muſt naturally have preſented itſelf to many others: *Whether* "*the ſtill-ſubſiſting laws and genuine conſtitution of England had not armed* "*the* CIVIL STATE *with a power ſufficient, if it had been previouſly un-* "*derſtood and prepared, to have ſuppreſſed ever ſo formidable a riot without* "*the intervention of the military.*"

"If no ſech power legally exiſted in the ſtate, our ſyſtem, I thought, "muſt be defective in a moſt eſſential point; ſince no people can be "really and ſubſtantially free, whoſe freedom is ſo *precarious*, in the true "ſenſe of the word, as to depend on the protection of the *ſoldiery*; and "even our protectors, who for ſeveral days poſſibly could not, but cer- "tainly did not, act at all, ‡ might have been neceſſarily called away, "in the moſt dangerous moment, to defend our coaſts and maritime "towns: if, on the other hand, ſuch a power of ſelf-protection did "exiſt, our laws, I concluded, muſt have been *diſgracefully neglected*, and "OUGHT TO BE RESTORED TO FULL VIGOUR AND "ENERGY."

Afterwards, in p. 34, he ſays, "To what fatal cauſe muſt we aſcribe "a neglect ſo ſhameful and ſo dangerous? I anſwer boldly, yet, I hope, "without arrogance, ſince I uſe the very words of *Blackſtone, to the laſt* "*acquiſition of force ariſing from the riot-act and the annual expedient of a* "STANDING ARMY; which has induced a diſpoſition, cheriſhed by the "indolence natural to man, and promoted by the exceſſive voluptuouſ- "neſs of the age, to look up ſolely for protection to the executive power "and the ſoldiery; *a diſpoſition which muſt inſtantly be ſhaken off, if any* "*ſpark of virtue remain in our boſoms.*"

In a former page, I have ſuggeſted the neceſſity of ſkill in the uſe of arms being made an eſſential and indiſpenſable part of the education of youth. Like ſwimming, it is an art beſt learnt when we are boys, and never leaves us when men. From this ſingle regulation, all *future* difficulty in having a community of free ſoldiers, vaniſhes in a moment: and when the importance of the duty is duly conſidered, it ought by the ſtricteſt ſanctions to be enforced.

* *Popham*, 121, 122. *Jones's Legal Mode of ſuppreſſing Riots*, 27.
† *Ibid.* 28, *and Sharp's Free Militia*, 7, 6, 10, 11, &c.
‡ He is ſpeaking of the London riots in 1780.

Although it has been ſuggeſted, that perſons in the higheſt ranks and of moſt opulence ſhould form the cavalry, it is not propoſed to have a ſtable at every ſchool, filled with military horſes. Let the foot exerciſe alone be taught at the ſeminaries of learning. It will be ſoon enough for the cavalry exerciſe, when the ſtudents ſhall have left their tutors. It is conceived that no exerciſe can be more healthy, and few exerciſes ſo delightful to the youth of large ſchools, as military manœuvres; which are in fact beautiful practical lectures on mechanics; at the ſame time that they are manly and animating in a high degree.

The author could undertake to furniſh a ſhort eſſay on *military language*, which renders the whole ſcience of manœuvres perfectly ſimple and intelligible. The beſt writers on military manœuvres appear to have fallen into the ſame ſort of miſtake, as Mr. *Tooke* ſays Mr. *Locke* fell into, in reſpect of his celebrated Eſſay on Human Underſtanding; by not conſidering, how much it was a treatiſe on *words*.

'Tis not laboured explanations of the minutiæ of manœuvres but a correct and univerſal application of *words* of command, in which lies the true ſecret of manœuvres. The accidence alluded to does the whole buſineſs; it is perfectly eaſy to learn; and if it were once made the rule of the ſervice, there is no manœuvre whatever, which a battalion would not perform, at the mere *word of command*, although neither the officer who gave the word, nor his manœuvre, had ever been ſeen or heard of by the battalion before that moment.

The next generation being thus prepared, the preſent age ſeeing the vaſt military force — vaſt when conſidered as a *hired* army — now on foot, can be at no loſs to get competently inſtructed; and, indeed, the almoſt univerſal application to the military exerciſe throughout the kingdom, happily removes every poſſible doubt, as to the practicability of this part of our ſyſtem. The labour of the work, in fact, is in a great meaſure already accompliſhed; ſo that all we want, for rendering the good effects permanent, is "to reſtore to full vigour and energy" our antient arming laws.

Although the poverty of the public finances makes it neceſſary to get rid of our enormous military expences as expeditiouſly as poſſible; yet the ſecurity of the country muſt at all events be, in the firſt inſtance, provided for; and the diſbanding of theſe forces ſhould proceed gradually, according to the progreſs made in arraying and training the inhabitants. In this diſbanding of the preſent ſoldiery, thoſe who had trades and occupations to return to, and were deſirous of their diſcharge, ſhould be the firſt releaſed.

The *ſupplementary* branch alone of our propoſed national force, would be able to receive into it, and enrol, *the whole of the preſent army*; and their arms might be purchaſed as before provided for.* Thus reſtoring to agriculture, arts and manufactures, an immenſe body of men for productive labour, to ſuſtain and enrich the ſtate by their induſtry; inſtead of lying as they now do in an unproductive ſtate, a grievous burthen on the induſtry of the remaining part of the community.

* In the minutes of the council in the reign of Elizabeth, there is this entry, — "That "order be taken, that arms may be ſerved at *reaſonable rates* at the armourer's office at "Plymouth." *Defenſive War*, 83. I ſee that government has wiſely adopted this rule for ſupplying ſuch of the armed aſſociations as chooſe to provide their own arms And the baſe condition of returning the arms of other aſſociations, it is to be hoped, will be changed into a payment in money of the value of them.

SECTION XIII.

IT is not in the grants of parliament only, our military burthen is felt; for the parochial bounties that have been given to provisional cavalry, navy augmentation men, and militia, under the present system; and the assessments for maintenance of wives and children; have cost the public since the commencement of the war, several millions; and these various burthens are most heavily felt in the parish rates throughout the kingdom. The parochial assessments where the author resides, and where parochial abuse and corruption are unknown, the assessments are *four* times as high as they were six years ago.

But in the expences of modern armies, millions are become such familiar items, that we have long ceased to be affected by the contemplation of them: and, doubtless, we should go on in the same improvident and thoughtless career, were it not that the scourge of taxation is bringing us to our senses; and that the impossibility of continuing such expence begins now to be seen by every man. I remember being sensibly struck with the astonishing contrast between the effect of a penny put out at the birth of Christ at compound interest, and accumulating to the present day; and of a penny bearing only simple interest for the same period of time. And I was the other day sensible of a similar sensation, on reading *a single item* of army expence in a West India island, while I was ruminating on the œconomy of arming the people for the defence of Great-Britain. The contrast between these items may deserve the reader's serious reflection.

The purchase of one million, two hundred thousand stands of arms, each stand consisting of a musquet, with its sling and bayonet, and a cartouch box with its belt, for arming *eight hundred thousand* taxed householders, and *four hundred thousand* supplementary militia, being sufficient, with care, to last them *two or three generations*, at 1l. 11s. 6d. each stand * - - - - - - - - - -	1,890,000. †
Bills drawn in the course of *a single year* (1797) by the commissary-general of the army at *St. Domingo*, an island on which our attempt was unsuccessful - - -	1,980,000

The total expence of the army in 1797, as far as we *yet* know, was *thirteen millions, four hundred and eighty-nine thousand, and forty-eight pounds;* and that of the navy above *fourteen millions and a half.* ‡ Instead of resorting to our proper *English* system of defence, whereby a vast proportion of this expence might have been struck off, while our strength would have been *increased four-fold*, we have embodied above *sixty thousand* supplementary men, and run into a variety of other new military expences.

Lord Liverpool, in 1757, speaking of the pecuniary burthen of standing

* The price I paid at the beginning of the war, for a chest of arms from Birmingham. If smart cross-belts, &c. shall be thought necessary, let us add £. 1,110,000, making a total of £. 3,000,000; still what is this, to arm 1,200,000 men for *two or three generations?*

† Even this expence might be greatly lessened by arming the battalions of *reserve*, amounting in the aggregate to 177,60 men with pikes only: Nor might it be amiss, as proposed by Marshal *Saxe*, to arm in the same way, the rear-rank men of the battalions of the *column*, who collectively would amount to nearly the same numbers. By these regulations above 350,000 pikes would be substituted for musquets, which would be a saving of above £. 350,000; making this whole sum for arming a great nation, less by £. 440,000 than the mere *contingent* expences in *one year* at *St. Domingo*.

‡ For these sums I have the authority of Mr. *Morgan*.

forces compared with that of a militia, ſuppoſing the latter to be in pay only during its days of exerciſe, ſays "*it will ſurpaſs it in expence by* "*almoſt twenty times the ſum.*" But we now ſee a *militia* itſelf, of nearly *an hundred thouſand men*, made *ſtanding forces*, and maintained at the full charge of troops of that deſcription. And ſo much have the troops of theſe deſcriptions been of late courted, by an augmentation of pay and allowances, that the burthen is become truly intolerable; and the very coſt of our defence, unleſs we adopt a wiſer ſyſtem, muſt be our ruin. And after ſuch an addition to *an immenſe ſtanding army*, augmented alſo by corps of volunteer ſencibles and other cavalry, raiſed all over the kingdom by *very expenſive modes*, and upheld by dint of grievous taxes, what is the upſhot of the account?—Why, truly, the country is not ſafe, without an act of parliament for a general arming of the inhabitants!—without calling on every individual man, to offer his *perſonal* ſervices for public defence!—Is it in the power of ridicule, ſo completely to expoſe this miſchievous farce, as it is expoſed by the paſſing of ſuch an act? After paying for *one year's defence* of our iſland, very much more than *its whole rental*, and *ſurrendering our conſtitution into the bargain* to perſonal ſervice, where we ought to have ſet out, and by which, *regulated according to the conſtitution*, we might have ſaved at leaſt nineteen parts in twenty of our land expence, we are come at laſt! Can the genius of ridicule, I again aſk, produce ſuch a ſatire on the ſyſtem of "*the three laſt centuries*," as Mr. *Dundas's* arming act? But as it is managed by miniſters, we are not by this perſonal ſervice to ſave one ſhilling of our military expenditure.

Full forty years ago, when we owed *leſs* than at preſent by about THREE HUNDRED AND FIFTY MILLIONS, *Lord Liverpool*, than whom no man has more knowledge in political œconomy, ſaid, If we were to keep up in peace a conſiderable ſtanding force, "a conſtant charge of that "ſort was beyond the ability of this exhauſted country. This alone "would be ſufficient for its deſtruction, and would ſave its enemies the "trouble of an invaſion. But let us ſuppoſe," continues he, "that "there would be no need of maintaining theſe troops but in time of "war, and that they might be raiſed juſt as occaſion requires.—*But* "*would they, for that reaſon, be the leſs dangerous to our conſtitution?* Is "it not at the *evening* of a war that thoſe fatal ſtrokes are generally "given, when an army, flushed with its victories and proud of its at-"chievments, thinks its own merits never ſufficiently rewarded, and "dreads its own diſſolution?"—And he alſo ſays, "Certain it is, that "any number of troops which will be ſufficient to repel the ſtrength "of *France*, WILL HAVE THE POWER, if they ſhould have the in-"clination, TO ENSLAVE US."*

We have already ſeen the pay of a private foot ſoldier augmented from *eight* pence a day to *fourteen* pence; requiring now *ſeven millions* of money, where *four millions* would have ſufficed before that augmentation. I preſume the increaſe of expence on the cavalry muſt be in proportion: and the pay of the navy alſo, being raiſed from 22s. 6d. to 28s. a month, is five and twenty per cent. more than it was.—When I reflect on all this expence; when I ruminate on the conſequences of the ſoldiery living at free quarters in *Ireland*;—putting the inhabitants to the torture, and trying them by military law;—inflicting corporal puniſhments; and death;—and told, in the public orders of their general, that this glorious dominion of the ſword is to continue, until the people

* *Lord Hawkeſbury's Diſcourſe, p.* 67, 70.

committed to their care, have paid up to their landlords, to the church, and to the ſtate, all arrears of "*rents, tithes and taxes*;"—can I have any other than the moſt melancholy forebodings for my country, until I ſhall ſee the ſword of defence in her own hand?

He who, looking forwards to the day of peace, can reflect on the diſpoſitions of an army unwilling to be diſbanded;—on a borough faction and a miniſtry as unwilling to part with them;—on the national debt of *England*;—and on the armed nation of *France*;—and cannot diſcover any cauſe for ALARM, but in the exiſtence of *parliamentary reformers*; is, I confeſs, more likely to derive benefit from conſulting *Doctor Willis*, than from peruſing theſe pages.

If any man had a doubt of the practicability of training the community to arms, that doubt muſt now be removed by the authority of parliament, carrying into effect a plan recommended by a practical ſtatesman of acknowledged ability in the routine of public buſineſs: nor can it be imagined but that the inhabitants in general would be taught in a very ſhort time, ſo much of the buſineſs of a ſoldier, as to ſerve with good effect in the public defence; becauſe that defence would not, under the ſyſtem now recommended, ſo much depend upon *military ſkill*, as upon *irreſiſtible force*.

Our conſtitutional ſyſtem gives a cavalry of above 26,000, eaſily capable of an increaſe to any neceſſary amount; and an equal number of a peculiar corps of infantry; both of which muſt be formed of noblemen, gentlemen, and perſons of the beſt property; the majority of whom, having ſufficient leiſure for practice, would early acquire the neceſſary ſkill: alſo a body of grenadiers of nearly 180,000, and as many light infantry; both in the prime of manhood, and conſequently apt by nature to learn their military duty with alacrity, while the country remained in danger. And even of ſerjeants and corporals, it furniſhes 95,000 men; and of ſuperior officers above 76,000 more.

The officers, with the ſerjeants and corporals in an army, ſays an acute obſerver, are the *ligaments* and *the nerves* of that artificial body;—"the ligaments of military union, and the organs of military ſenſibility "and judgment." * This being the caſe, it will appear, that by beſtowing particular attention on the training of theſe, we lay the foundation for bringing the whole maſs into a ſtate of ſufficient diſcipline in a ſhort time, whenever appearances of danger ſhould call for more than that ordinary attention, which ſhould ever be kept up to the uſe of arms in times of peace.

As the army of which we are ſpeaking, is no other than the civil community itſelf, we may obſerve that the beautiful ſimile juſt quoted is equally applicable in either a military or civil view of a nation truly free. In a civil ſenſe, the ligaments are the magiſtrates and civil officers of the ſtate, while the nerves are the repreſentatives of the people. Theſe civil and military ligaments and nerves, then, preſerved in order, the body will have health, union and force, ſenſibility and judgment; and a philoſophic ſtateſman acquainted with human nature, will know how to tranſfuſe into the aggregate of a free nation, the energies of a virtuous individual.

Since it muſt be extremely obvious, that, on a ſubſtantial reform in the repreſentation, and a reſtoration of the ancient ſyſtem of arming, all jealouſy between the governors and the governed muſt be completely and happily at an end; and that this ſpecies of arming is no other than

* *William's Letters on Political Liberty*, p. 54.

the exercise of a right of nature, and a dictate of common sense, inherent both in the individual and in the aggregate of society, for self-defence; so it is probable, no minister would think of advising the crown to make a point of signing all the necessary commissions for so immense an establishment; for unless a king had as many hands as *Briareus*, and no better employment than sitting at a desk to sign his name, such a task must occupy no small portion of the royal time.

All commissions in the militia are now signed by the lieutenant of the county; and in the navy (except, I believe, that of a commander in chief) by the commissioners of the admiralty: And it would be difficult to account for our Kings taking the personal trouble of signing every commission in the *standing army*, down to the ensign, on any other principle than that of an indirect influence, from an apparent mark of attention, which I know to be ridiculously considered as *an honour*; for the purpose of creating in this particular body of men, a stronger attachment to the crown than to the state; to the king than to the constitution.

Which of the armed inhabitants should serve in the ranks, and which should hold command as officers, would doubtless be best settled by election, as now practising in the voluntary associations; and as the whole use of a commission is to identify the person chosen and the particular authority delegated, so a mere certificate, in a settled legal form, signed by the magistrate who had a right to preside in the weapon-take court, would be all the commission that could be necessary, and every way the most proper. If a member of parliament require no other commission than the mere certificate of the returning officer, why should any officer of the posse comitatus?

But although the officers ought to be appointed by election; yet, consulting the repose, the dignity, the strength, and permanency of government, at the same time that we look to the solid securities of freedom, it might be found policy not altogether to overlook those gradations in society which are created by birth, station, knowledge, and property, which contribute to order and subordination, but to require suitable qualifications for holding the different military ranks. With regard to the question, In whom should reside the power of election? The answer undoubtedly must be, In the community for whose use and protection the power is to be entrusted, and to whom those who exercise it are to be responsible. The *basis* of this power should doubtless be in the general court of the *weapontake*, consisting of all taxed householders; with a right of resuming to itself the full exercise of that power, if ever the delegations of it, dictated by convenience, should be abused. Thus a suitable responsibility of the military officers throughout the kingdom might be established.

By thus returning to the election of all officers of the militia, we should but be so far on our way in *a return to the constitution*; which certainly intended, and for several ages as certainly provided, that all magistrates and officers whose functions immediately affected the people, should by the people be elected; because it is fit that the salutary influence of true popular election should have a perpetual operation and influence on the mind of every person exercising power of any sort on which the peoples peace, protection, liberty and happiness depend. For these reasons, the people of every decennary or tything, or ten households, formerly elected not only the constable, then called chief-pledge, or tithing-man, who was at once both the civil magistrate and the military

commander of the tithing, equivalent in military rank to the modern *ſerjeant*, but they elected alſo "the *hundreders*, (who had the civil au-"thority of high conſtable and *juſticiaries*, and the military rank of "*captains)* and the viſcounts or *ſheriffs*; and likewiſe the *heretochii* or "leaders of the armies; the ſame (ſays the learned Judge *Atkins)* as, in "the dialect of this preſent age, may be called the lord-lieutenants or "deputy lieutenants." *

And *Atkins* alſo obſerves, that "*Sir Edward Coke*, in his 2d Inſtitute, "in his Expoſition of the Stat. of Wincheſter, 1 cap. 10, concerning "the elections of *coroners* by the freeholders, † (which ever was ſo, and "ſo ſtill continues) ſays, there is *the ſame reaſon* for election of *ſheriffs*, "and ſo it antiently was, by writ directed to the coroner. In like man-"ner were the conſervators of the peace choſen, in whoſe place the "*juſtices of the peace* now ſucceed. Theſe were great and high liberties, "and did belong to the *freeholders from all antiquity*, &c." ‡

Here we ſee how well founded was Mr. *Pitt*'s obſervation already noticed, that "the *principle* of the Engliſh conſtitution is REPRESENTATION." It is indeed its very ſoul, and once pervaded every member and every fibre with life and energy. All magiſtracies, civil, military, and judicial, were elective; and juries were drawn with ſuch impartiality from the maſs of the people, as to have the true quality of repreſentation; even the office of *King* amongſt the Saxons was elective originally. What on this ſubject relates to the Houſe of Lords, being too long for this place, is given in Section XI. I ſhall only add, that, whatever may be thought of the abſolute neceſſity of all magiſtracies and authorities under that of king being repreſentative, it is indiſpenſible that three of them be ſtrictly ſo, viz. *The Houſe of Commons*, *Juries*, and *the Military Commands* in an armed Inhabitancy.

It is impoſſible that LAWS ſhould be "*the ſtate's collected will*," unleſs made by thoſe who are elected by, and truly repreſent, the people: It is equally impoſſible to be tried "*by God and our country*," unleſs the law be vox *populi*, which makes it vox *Dei*; ‖ and unleſs our jury be drawn from the maſs of the community with ſuch impartiality and fairneſs, as virtually and in all rational effect, to be that "*country*" by which alone an Engliſhman can be legally judged. § And it being an admitted principle, that no nation can preſerve its liberties, unleſs it keep the ſword in *its own hands*, it were the height of abſurdity for *an armed people* not

* *Sharp on Congregational Courts, page* 196.

† "By *freeholders* is meant *liberi tenentes*, the free-*holders* in *burgage* tenure, viz. the "*houſeholders*." *Ib.* 197.

‡ *Parliamentary and Political Tracts*, 253, 254.

‖ It is not in a vulgar and preſumptuous ſenſe this antient ſentiment is quoted; for if our law be "the gathered wiſdom of ages" and "the perfection of reaſon," then it is not only *the voice of the people*, but figuratively (and the figure is beautiful and expreſſive) it is *the voice of God* alſo.

§ Seeing juries in this light, I have been ſurprized to ſee it ſtated, and I hope it is not true, that the Attorney General has claimed and exerciſed the privilege on behalf of the crown, of *peremptory* challenges. I know not indeed how to believe the fact, becauſe 33 *Ed. I. ſt.* 4, enacts, that "if they that ſue for the king will challenge any of thoſe "jurors, they ſhall aſſign of their challenge *a cauſe certain*." Now it ſhould ſeem a very extraordinary caſe indeed, that ſhould prove a juror "not indifferent for the king;" and a caſe which ought not by any means to be decided by any rule growing out of *the practice of the courts*. In all caſes where the lives of the people are at ſtake, and the king is a party, it is not fit that the king's courts, held by *his* repreſentatives, ſhould ſlide in upon us any new law. To create new law, parliament alone is competent. Excluſive of ſtriking off jurors for cauſe aſſigned, as unfit to judge where the king was a party, it ſhould ſeem to be moſt conſonant with the mild character of Engliſh law, that the pannel ſhould be reduced to twelve by the ſole challenges of the defendant.

to elect all those under whose guidance they should be arrayed and led to battle.

But as to the king alone it appertains to have intelligence of the designs and movements of foreign enemies, and to plan the general operations for defeating invasion, we see the reason, why generals, being entrusted with the execution of these plans and operations, should be of the king's appointment.—How admirable is this whole system! How invaluable the genuine constitution of *England!*

First, the people, by their *representatives*, are to make their own laws: Secondly, by their *representatives*, those laws are to be applied to their own actions: And, thirdly, in *their own persons*, under the guidance of *representatives* elected for the purposes of order and regularity, they are to defend their laws and liberties with *their own swords*; for this last is a case to which, by a law of nature, it is ordained that representation cannot extend: for that nation which parts with its sword, parts with its liberty; and the sum of its subsequent enjoyment, is mere legal protection, at the discretion of those who have got possession of the sword:—So true it is, that "the possession of arms is the distinction between "slaves and free-men." And how grand a feature it is in the character of the antient Saxon, and how true to nature, that the form of manumitting his slave, was the gift of A SWORD AND A SPEAR!* How sinks in the comparison the Roman woollen cap?

Here I would expostulate with those who "despair of the Commonwealth," and, exhausted of all hope of *reform*, see no prospect of liberty but in a *Revolution*. By those best acquainted with constitutional learning, it has been an old observation, that if the constitution were utterly lost and forgotten, could but its principles be re-discovered and collected, its existence would be soon restored. If such a restoration has been considered as a natural effect of such a cause under such circumstances, how encouraging are our prospects, who have never lost a knowledge of these principles; who must now practically, and daily, feel their intrinsic excellence; and to whom it must be apparent, that either a settled despotism, a revolution, or a reform, must be the termination of the present state of things! for that a decided and vast majority of the nation, even of those whose confidence in ministers and whose blindness to corruption and abuse have been the most remarkable, will, in the hour of peril, when the storm threatens to burst, prefer reform to either despotism or revolution, my mind is not of a texture to doubt.

There would be no difficulty in framing regulations in each *weapontake* for these elections; or in constituting proper authorities for military organization, arrangement, and discipline; as well as for periodical changes of power, and whatever else should be necessary to preserve the system in health and vigour: but this is not the time for entering on such details. As the artillery officers ought to be educated at Woolwich, they should of course hold commissions under the crown; as well as all the general officers that would be necessary. Of these there might be wanting, in time of war, one general of brigade for each *weapontake*; one general and two lieutenant-generals for each military sub-division; one field marshal for each grand division; and over the whole a commander in chief. In time of war also, five artillery officers would appear to be wanting in each *weapontake*; making in the whole above 2000; but, in time of peace, one in each *weapontake*; or, in the kingdom, one-fifth part

* *Historical Dissertation on the Antiquity of the English Constitution*, 185

of the groſs number of the war eſtabliſhment would be ſufficient. But, perhaps, if only three-fifths were commiſſion officers, and the remaining two-fifths were experienced non-commiſſion officers, it might anſwer every purpoſe in time of war.

It is obvious that, on the firſt revival of this ſyſtem, much legal regulation would be wanting, that afterwards would become uſeleſs; and that different regulations would alſo be neceſſary in peace and in war: it might, therefore, be adviſeable, to frame *three* diſtinct ſtatutes. The *firſt* ſhould lay foundations only. The *ſecond* ſtatute ſhould carry up the ſuperſtructure, and include every thing neceſſary to giving it effect in time of PEACE. And the *third*, ſolely apply to WAR.—Thus, under the firſt of the acts, the military grand and ſub-diviſions of the country might be determined on; and likewiſe the correſponding *weapontakes*: The general *weapontake* courts, and their ſubordinate authorities, might be eſtabliſhed; the firſt ſet of military officers might be elected; and the taxed houſeholders claſſed according to their qualifications above alluded to, and arranged in their ſeveral corps: Every taxed houſeholder, whether able to ſerve perſonally or not, might be furniſhed with a ſtand of *Tower-proof* arms, to be paid for to government by the parochial aſſeſſments:* The ſupplementary men might alſo by this firſt act be grafted on the general ſtock, and arms for their uſe furniſhed: And every other regulation of a *preparatory* nature might be enacted. By making the executive government the agent between the manufacturer and the purchaſer of the arms, we ſhould provide for their uniformity and goodneſs.

In how many particulars do we find a conſtitutional ſyſtem the very *reverſe* of preſent practice! In conſequence of the heavy expence to the pariſhes in maintaining the wives and families of an *abſent* militia man, the utmoſt care is exerted to ſelect none but *batchelers*. Herein we violate one of the firſt principles of political prudence, which dictates the choice of ſuch men to defend the ſtate, as are moſt pledged to it by the ties of intereſt and the tender connections of nature. On this account, we ought undoubtedly to ſelect the married men; in which, under this ſyſtem, we ſhould have nothing to fear from expence. In this point of view alone, *in a time like the preſent*, and for reaſons before touched upon, it is apprehended the difference in favour of the ſyſtem now recommended, over the preſent, in which we have a militia of nearly an hundred thouſand, chiefly *hired ſubſtitutes, and unmarried*, is great indeed!

By the *ſecond* act proviſion might be made, for the periodical change of officers: for counteracting the effects of time on the declining, and on the riſing generations; and preſerving to the ſeveral corps their original characters, founded in ſound policy and in nature: for perpetuating, on ſome *ſelf-inforcing* principles, all the neceſſary attentions to the habitual practice of arms; and for preventing a ſyſtem, ſo eſſential to liberty and ſecurity, from again falling into decay: for rendering the ſyſtem completely ſubſervient to the civil power, the certain ſupport of law, and the ſure guardian of liberty and peace; and for freeing us for ever from the diſgrace of riots, the danger of inſurrections, and the ſtill greater danger of a ſtanding army.

And by the *third* act, the duties of war might be clearly pointed out, and the moſt prompt alacrity ſecured; not merely on the cold principle of military obedience, but on thoſe alſo of a common duty and intereſt, felt and underſtood; of national honour, which ſhould not fail to operate; and of genuine patriotiſm, which ſhould excite the moſt lively enthuſiaſm. To each of theſe ſtatutes ſhould be aſſigned, with accurate

* Each houſeholder paying the value of the arms made his property.

diſcrimination, its proper claſs of enactments; ſo that the ſeparate proviſions of each ſhould have the moſt complete perſpicuity.

Here, then, are our means of raiſing the people, *en maſſe*, for national defence; and of calling into orderly action every particle of the phyſical power of the ſtate. If theſe means were not found by the *Emperor* in his need, it was becauſe an arbitrary government, forbidding the means, is of courſe denied the end. It is the prerogative of a free nation alone, to be unconquerable but by extermination. Although an arbitrary government be formidable indeed to its own diſarmed, ignorant, enſlaved, and oppreſſed ſubjects; it is too feeble to reſiſt the attacks of an armed people; and in the day of trial muſt fall!

The ſole material difficulty attending the whole ſyſtem, will be that of framing the ſecond of the three propoſed ſtatutes. The care of our anceſtors, to inſure *the poſſeſſion of arms*, is ſeen in their various enactments to that effect; "and as much as our progenitors are famed for ſometimes "indulging their genius, a butt of *Malmſey* could not find its way into "their cellars without a ſheaf of arrows for its paſſport*." We may indeed, eaſily ſecure an effectual *muſter of arms*, which is in fact THE ROCK OF OUR FOUNDATION; and we may, without difficulty, enforce a ſufficient training of ſelect corps, and of "the nerves and ligaments" of our military body; ſo as, on any alarm of danger, to be ſoon in a poſture of unaſſailable defence. But he who has read the human heart, and has any taſte for that policy which from early antiquity to the preſent hour has been the admiration of the wiſe and the good, will know how deſirable it is, to aim at higher and nobler ends; and to a wiſe lawgiver how practicable it is, ſo to unite the exerciſe of rights with the performance of duties; ſo to combine public ſervices with public honours; and ſo to render even manly paſtimes and elegant pleaſures, ſubſervient to the nobleſt purpoſes of public good; as to give to a law for upholding in conſtant vigour this ſyſtem, at once ſo comprehenſive and ſo grand, A SELF-INFORCING PRINCIPLE, adequate to the great end in view;—that of preſerving in full ſplendour, during the ſecurity of peace, thoſe military virtues that are our ſafety in war; on which account it was, that "the public games of antient governments conſiſted "principally of martial entertainments." And from the noble author I am now quoting, I muſt alſo tranſcribe an account of a military feſtival obſerved by the modern *Swiſs*, which is worthy of admiration: "The ſurprizing acts of valour which the Swiſs militia has performed, "has induced an ingenious writer to draw a parallel between the mili-"tary atchievements of this little collection of Cantons, and thoſe of "the free ſtates of *Greece*: He puts in competition with the battle of "*Marathon*, that of *Morgarten*, where 1300 Swiſs routed the army of "the Arch-duke *Leopold*, conſiſting of 20,000 men, and killed twice "their own number: He conſiders the action of *Sempach*, where the "ſame Arch-duke loſt his life, and 20,000 of his men were routed by "1600 Swiſs, as a more ſurprizing victory than that of *Platea*;—and, "to crown all, the battle that was fought in the paſs of *Weven*, in the "canton of *Glaris*, is a copy that exceeds its original which was fought "at *Thermopylæ*; for as 300 *Spartans* tried to repel the army of *Perſia* "in thoſe ſtreights, and all periſhed in the attempt; ſo in ſuch another "defile, 350 *Swiſs* attacked at leaſt 8000 *Auſtrians*, and gained the field "of battle.

* *Lord Hawkeſbury's Diſcourſe*, p. 32, 58, 63.

" It is surprizing," says this author, " what a spirit the remembrance " of this action instills into this people; they yearly celebrate it by a " public procession on the spot where it was fought; and where eleven " pillars, erected for that purpose, shew the places where those heroes " leven times rallied: at each pillar they offer up thanks to God; and, " when they come to the last, one of their best orators makes a pane- " gyric in praise of these three hundred and fifty men, and at the end " of his oration reads a list of their names, in the same manner as the " *Spartans* had the names of those who fell at Thermopylæ carved on " brass, to transmit their fame to posterity."

To frame institutions for preserving alive a true martial spirit in the profound security of peace, is indeed a task demanding the penetration of an *Aristotle*, the genius of a *Plato*, the energy of a *Lycurgus*, and the virtue of an *Aristides*;—in short, demanding one worthy to tread in the hallowed footsteps of the god-like ALFRED;—but, alas! the tear which rushes to my eye, reminds me JONES is no more!—What he could have atchieved alone, must therefore be extracted from the collected wisdom and joint labours of several; and thus the system receive the last finishing touch of excellence; fitting it to impress on the national character, the indelible stamp of dignity and independence, and the military aspect of high-souled Freedom. And it is our consolation, that in our books, and I trust also in the hearts of thousands, are to be found the principles on which our system must rest; and that we have men capable of their application.

Supposing the *weapon-takes*, so formed as has been stated, to be at the same time our elective districts for returning one member each to the House of Commons, perhaps there could not be a more suitable division of the country, or of the community, for such a purpose. It is apparent, that in the formation of either *weapon-takes* or *elective districts*, the right principle of division is by *population*; whereas the formation of military *grand divisions*, as well as of *counties*, will best be governed on principles of *space*. And if, on the mature consideration of military men, it should appear that our grand-divisions and sub-divisions, as well as the arrangements proposed, are rightly calculated for answering the ends in view; it would then at least be *desirable*, that no difficulties stood in the way of correcting the present extreme and very inconvenient inequality of our counties; and of completing our system, by new modelling them: for as a principal part of the merit of the system consists in having an armed inhabitancy to constitute the strength of the *civil power*; so that system must attain to the highest degree of perfection, when the civil and military divisions of the country are correspondent, and the arrangements of the two services go hand in hand; mutually serving and supporting each other. This union of the two duties was strictly attended to by *Alfred*; although he left the disproportion between the counties much as we have found them. When we contemplate the simplicity, uniformity, and exact proportions of the other parts of his system, we must conclude some insuperable difficulty, not known to us, stood in the way; or that he would have perfected the divisions of his kingdom, by an equalization of the counties.

But, doubtless, had the *Danes* been as formidable to him as the *French* are to us, he would have made all minor considerations give way to the indispensable one *of combining with every portion of the coast, its full proportion of the inland country by an indissoluble union* for its support and defence, as proposed in these pages; where it will be seen that the seashore of every sub-division, is as it were the front of an immense military

column reaching to the very centre of the kingdom; organized into every uſeful ſpecies of corps, but under one ſupreme head; ever in readineſs at a moment's warning; and its collected force conſiſting of an army immenſely more numerous than any that could poſſibly be brought againſt it. "Having ſhewn," ſays *Sir William Jones*, "the nature and "extent of the *poſſe comitatuum*, and proved that it is required by law to "be equal in its exertion to *a well-diſciplined army*, I have eſtabliſhed "the propoſition which I undertook to demonſtrate." †

Should it ever be thought adviſeable to equalize the counties, the number of them might be kept nearly the ſame as at preſent, by comprehending three counties in each military ſub-diviſion, making in the whole forty-eight inſtead of fifty-two. In this diſtribution, an annexation of adjoining *weapon-takes*, equal to about the third part of the *ſurface* of a military ſub-diviſion, would conſtitute a county.

Should either prejudice, or other more ſubſtantial reaſon, ſtand in the way of perfecting our ſyſtem of defence on the beſt and cleareſt principles, by altering the preſent limits of counties; the next beſt expedient would be, to form our grand and ſub-diviſions, by throwing into them the counties as they now ſtand, which might be done thus, viz.

First.
Northumberland
Durham
Yorkſhire

Second.
Lincolnſhire
Nottinghamſhire
Leiceſterſhire
Rutland
Norfolk
Suffolk
Cambridgeſhire
Huntingdonſhire
Northamptonſhire

Third.
Eſſex
Middleſex
Hertfordſhire
Bedfordſhire
Bucks
Kent
Suſſex
Surry

Fourth.
Hampſhire
Berkſhire
Dorſetſhire
Wiltſhire
Glouceſterſhire

Fifth.
Devonſhire
Cornwall
Somerſetſhire

Sixth.
Monmouthſhire
Glamorganſhire
Carmarthenſhire
Pembrokeſhire
Cardiganſhire
Brecknockſhire
Merionethſhire
Carnarvonſhire
Angleſey
Denbighſhire
Flintſhire
Montgomeryſhire
Radnorſhire

† *Inquiry into the Legal Means of ſuppreſſing Riots*, 34.

Seventh.	Eighth.
Cheſhire	Derbyſhire
Lancaſhire	Staffordſhire
	Shropſhire
Cumberland	Herefordſhire
Weſtmoreland	Worceſterſhire
	Warwickſhire
	Oxfordſhire

To thoſe unreflecting and timid perſons who may ſtill imagine a general arming to be *dangerous to government*, it may be adviſeable to ſay a few words. What, then, more deciſive can be ſaid, than that *Alfred*, when he armed the whole community, thought not ſo? Nay, by his penetrating mind it was ſeen, that it is *the univerſality of arms*, which is the very ſecret for giving a government of *freedom* and *law* undiſturbed tranquillity and reſiſtleſs power. All that is wanting to this effect, is ſimplicity of arrangement, and ſtrictneſs of regulation. Nor are we left to mere reaſoning on this queſtion; for there is no hiſtorical fact better eſtabliſhed than that in his reign, and owing to the very ſyſtem of an univerſal arming, the authority of *law*, and the energy of the *civil power*, which comprehend the whole of *government*, were carried to a height of perfection never exhibited to the view of mankind in any other age or nation. Let any man compare this with what has ſo often happened in our own times, and he cannot be at a loſs to ſee to which ſyſtem, that of an armed inhabitancy, or that of a ſtanding army, a preference is due. Let him look back to the firſt eſtabliſhment of turnpikes, or to the firſt raiſing the partial modern militia both in *England* and *Scotland*; when inſurrectionary proceedings cauſed the effuſion of much blood: Let him call to mind the hundreds of tumults that have diſturbed the public tranquillity, particularly in our large towns: Let him take a retroſpect of what happened in *St. George's Fields*; of the infamous conflagrations at *Birmingham*, and of the infernal proceedings in the capital in the year 1780; and then let him aſk himſelf, if any one of theſe events, ſo alarming and ſo calamitous to the people, and ſo diſgraceful to government, could poſſibly have taken place, had the ſyſtem of the immortal *Alfred* been in uſe and vigour.

After the celebrated example of that great king's reign, it cannot be ſaid, this is only *ſuppoſing* the arms will be employed in *ſupport* of law, in which caſe the irreſiſtible power of government is admitted: nor can it with propriety be aſked, what would be the conſequence, if they ſhould be turned *againſt* it? I confeſs I ſhould not know how to anſwer ſuch a queſtion, better than by aſking ſuch another.——What, then, would be the conſequence, *if* the waters of the *Thames*, the *Severn*, and the *Humber*, and of all our other rivers, were to turn againſt their own ſources, to climb the hills from whence by the law of nature they deſcend, and to pour their ſtreams into the country inſtead of the ocean?—Can any one, pretending to reaſon, imagine a free people, having a legislature in which they were ſubſtantially repreſented, and their community regulated and preſerved by a law, emanating, through ſuch a medium, *from themſelves*,—can any one, I aſk, imagine ſuch a people ſo circumſtanced, capable of uniting the power of their own arms, to deſtroy their own work, their own proſperity, and their own happineſs?—Has any man yet dreamed, the people of the American States, be-

cauſe really a free and armed people, are therefore likely to uſe their arms againſt their own government; which, ſo far from having a ſtanding army, have not amongſt them a ſingle profeſſional ſoldier? The ſuppoſition is too abſurd to ſtand for a moment.

But no man can look into hiſtory without perceiving, that *wherever mercenary ſoldiers and ſtanding armies have been introduced, there the true government of the ſtate has invariably been ſubverted, by thoſe who had the command of the armies.*

"Look through the annals of the world," ſays *Lord Liverpool*, "and "ſee if any one inſtance of a militia can be produced, that was ſeditious of itſelf; or of a people, who, when the ſword was put into their "hands, converted it to their own deſtruction.—Free ſtates have almoſt "always been ſubject to commotions, and the ſame have generally been "defended by a militia; but that the military eſtabliſhment of ſuch a "people were the cauſe of their commotions can never be proved;—the "republic of *Carthage* is a ſingular inſtance of a free people, that owed "their defence to mercenary ſoldiers; and yet ſhe was nevertheleſs fertile "in diſſentions;—and though *Rome* had as many ſoldiers as citizens, "though her ſenators and plebeians had frequent conteſts for power, "where the balance was unequally adjuſted, yet her people, when in "their greateſt fury, and when driven by injuſtice almoſt to deſpair, "never once had recourſe to arms; they urged their claims by ſupplications and ſeceſſions; and though diſciplined and ready at all times "to take up arms in defence of their country, they never lifted up a "hand againſt it: for ſeveral centuries not a life was loſt in all their "contentions; and it was not until *the nature of their armies was changed*, "until their legions *received pay*, were tranſported into *diſtant provinces*, "and never ſuffered to return to their *domeſtic occupations*; in a word, "not until the honeſt militia men of *Rome* were changed into *ſtanding* "*forces*, that their conteſts blazed out into civil wars deſtructive to the "commonwealth." *

But let us put a caſe, aſſumed by that great luminary of our alarmiſts, *Mr. Burke*, as one he conſidered actually to exiſt. Let us ſuppoſe there are, at preſent, *eighty thouſand* perſons in *Great Britain*, who really wiſh for a different form of government. Now this oracular gentleman was pleaſed to ſay, if he meditated the overthrow of the conſtitution, he ſhould not deſire to be provided with a greater force; or words to that effect. If ſuch language could have any ſenſe or meaning, it could only apply to a decayed conſtitution, and to a corrupt government; conducted upon erroneous principles, ſubject through diſeaſe to panics and convulſions, and radically weak; and where the people were not armed: but, applied to ſuch a government as that of *England*, when reformed, and defended as I have ſuppoſed, by an armed force of above a million of men, it would be no better than the driveling of a dotard. The reader, however, if he wiſh for truth, will do well to conſider the direction and force of the court current, and how the wind ſtood with *Mr. Burke*, when he talked of the *eighty thouſand* incorrigibles; and let him alſo calculate, how many of theſe men would remain ſeriouſly diſcontented, provided they ſaw their country at large, and themſelves individually enjoying ſubſtantial repreſentation, and conſequently true political liberty. As *Mr. Burke* has given theſe men no ſmall credit for reaſoning powers, we have a right to conclude, that, after ſuch a change, not one in a thouſand of them but muſt feel towards the government un-

* *Lord Hawkeſbury's Diſcourſe, p.* 49.

der which he enjoyed that greateſt of all earthly bleſſings, political liberty, a true, lively, and cordial attachment; of a nature as ſuperior to the attachment of ſervile men to a corrupt government, as honour is ſuperior to baſeneſs, or freedom to ſervitude. Drawing my concluſions from ſuch premiſes, I am ſure I have a better right to make the preſent calculation, than *Mr. Burke*, from the premiſes of prejudice, paſſion, and dark conjecture, had to calculate as he did.—Where, then, to a conſtitutional and honeſt government, is the danger from an armed people?

To ſuppoſe the ſyſtem of a general arming under the civil magiſtracy in the ſmalleſt degree dangerous to the ordinary peace of the country, were to ſuppoſe it a country without civilization or laws; and that men would be more diſpoſed, or more able, to commit violence, or felony, or open treaſon, when *ſuppreſſion*, or *apprehenſion*, or *death*, would be infinitely more certain and ſpeedy than at preſent; for we all know, and it is to the ſcandal of our country, that under our preſent wretched ſyſtem, the *civil power* ſcarcely ever pretends to the ability of quelling a riot, without military aid; and we have ſeen too many inſtances, in which that aid has not arrived until the greateſt miſchiefs and abominations have been perpetrated: whereas, it is a ſelf-evident propoſition in police, that if every taxed houſeholder were an armed citizen and ſoldier, every thing tending to a riot muſt be *cruſhed in the bud*, and all ſerious miſchief muſt be *prevented*. As well might any one argue againſt the *general poſſeſſion* of the powers of body or mind, for our ſelf-defence and ſecurity, as againſt the common and general poſſeſſion of arms. It is not the *common* but the *excluſive* poſſeſſion of arms;—it is not the *univerſality*, but the *monopoly*, which produces the miſchief and the abomination;—and that worſt of all miſchiefs and abominations, A MILITARY GOVERNMENT. SUFFRAGE and ARMS being the rights of nature, well has it been obſerved, that *repreſentation* is the happieſt diſcovery of political wiſdom; and that, *to govern all by all*, is the great maſter-piece of executive government.—When *Sir William Temple* has remarked on the Engliſh conſtitution, that "it ſeems to be a ſtrain of what *Heraclitus* ſaid, "was the only ſkill or knowledge of any value in politics, which was "the ſecret of governing all by all;" he adds, "what prince ſoever can "hit off this great ſecret, *needs know no other* for his own ſafety and happineſs, or that of the people he governs."†

It muſt have been obvious to the reader, that a revival of our antient conſtitutional militia muſt ſuperſede the preſent militia eſtabliſhment, as well as the ſtanding army; but this can be no cauſe of regret, becauſe as the leaſt of two evils is always to be preferred, ſo the moſt valuable of two good things is equally to be choſen. But in ſuch a change there would be the leſs to regret, when we conſider how much it has been the object of modern policy, to aſſimulate as much as poſſible our militia to the nature, and condition, and character of a ſtanding army. What a true, natural, militia is, I truſt has been made appear; and we have only to aſk, if our militia, as now actually raiſed and *hired*; kept up as a ſtanding force and in pay during a war of many years; ſubjected to the military articles; and uniformly marched to a diſtance from its own county; do moſt reſemble ſuch a conſtitutional force, or a ſtanding army?

No officer of the preſent militia, or even of the ſtanding army, will, I truſt, take offence at any remarks I have made, or may yet make, on either of thoſe eſtabliſhments. It is not with the gentlemen connected with thoſe ſervices, but with the eſtabliſhments themſelves, that I alone

† L 220.

find fault. Neither am I insensible to the value of the real and important services *England* has received from both those establishments. They have been many: and while I contemplate the *necessary* ill consequences, if establishments formed on wrong principles should continue, and, indeed, the certain ruin of liberty, from the continuance of the standing army, I should not render justice to either of those establishments, if I bore not my testimony to their past merits; and failed to remark how admirably they have paved the way to a restoration of the antient system; by the facility we should experience in that restoration, from the diffusion they have given to military knowledge.

PART THE THIRD.

SECTION I.

MR. DUNDAS's prior act certainly having in it the powers of an indefinite arming, may possibly, by careless observers, be thought to supply whatever was wanting to our military strength, and to be indeed all the revival of our antient system of which we stood in need. And this may the more readily be imagined, since, in his introductory speech, as if about to draw from the fountain of the *constitution*, he spoke of the doubts which arose when the powers respectively vested in lords lieutenants and sheriffs of counties over the *posse comitatus* were taken into consideration. It therefore becomes a part of the duty I have endeavoured in this work to fulfil towards my country, to take some notice of this statute; and I the more readily offer my remarks upon it, because it "may be altered, "varied, or repealed, in the present session of parliament," if it should appear advisable so to do.

The act begins thus, "Whereas it is expedient that his Majesty should "be enabled to exercise in the most effectual manner, *the powers by law* "*vested in him* for preventing and repelling invasion." What the most essential of those powers is, has been shewn by the writer, viz. to command the military services of *every able bodied man* from 15 to 60 years of age, who is of ability to purchase arms, and who, for that very reason, the law required to be at all times *possessed of arms*, and *skilful* in the use of them: nay, this power extends to commanding the military services of *every man* in time of need; and, consequently, of training to arms as great a supplementary force as shall be sufficient for the security of the country.

But here a difficulty may be started, even in respect to some descriptions of rateable householders, in consequence of certain clauses in the *game laws*. Those laws, it is true, have indirectly and by side wind, tended to prevent even some of our taxed householders from being properly armed, and thus they prevent their effectually performing the duties of their allegiance; and fulfilling the legal obligation of obeying the civil magistrate in forcibly suppressing formidable riot and insurrection. Now, in as much as those particular laws defeat these great ends of society, for purposes in comparison of a very contemptible nature, they are undoubtedly nullities, and ought therefore, in those respects at least, to be immediately repealed. In making legislative provision for having plenty of partridges, it must not be imagined parliament meant to undermine the constitution; or to expose the peace and safety of the community to brutal rioters, to daring rebels, or to destructive invaders; and therefore it could not be maintained, on the authority of a game law, having a totally different purview and object, that any taxed householder should not be allowed to have arms; especially as every attempt to shew the antient laws for having "arms of defence and peace," or for obeying the magistrates "cry for weapons to keep the peace," have become obsolete, must fail; because the contrary has been shewn by many very recent de-

ciſions, particularly in the caſe of the riots in *Lincolnſhire*, on firſt incloſing the fens about the year 1760; thoſe in *London* in the year 1780; and thoſe in *Birmingham* in 1793; in all of which caſes, and in a variety of others, the inhabitancy, whoſe DUTY it was *forcibly and with arms* to have ſuppreſſed all thoſe riots, and have prevented the miſchiefs, were *exemplarily puniſhed* by fine, to the amount of the damages ſuſtained: and every one who recollects the circumſtances of thoſe riots muſt know, that to have quelled them without arms was an impoſſibility.

But had not the deciſions in theſe caſes exiſted, reaſon would have eſtabliſhed the point: for it is the rule of interpretation, that where two laws on any particular point ſtand in contrariety one to the other, that which *is the moſt antient* ſhall have more authority than that which is more modern, unleſs the former be *intentionally, expreſſly*, and formally repealed by the latter; and it is likewiſe a maxim, that in a *colliſion* or *contrariety* of rules or enactments, that which hath *the moſt worthy ſubject* ſhall be preferred to that which hath a leſs worthy.*

In the caſe before us, we have laws for arming *all* houſeholders bearing the burthens of the ſtate, and for the dignified purpoſe of preſerving not only the peace but the very exiſtence of ſociety, with the protection of which they are expreſſly charged; and we have ſubſequent laws for preſerving hares and partridges, to eat the corn of him who is forbidden to kill them; which laſt mentioned laws, without adverting to the firſt mentioned, do indirectly and in ſome degree claſh with their wiſe proviſions. Which, then, of theſe contrary laws is *moſt worthy*, by the worthineſs of its object; and which hath the *higheſt authority?* "Though "the foreſt laws," ſays the great Commentator, "are now mitigated, "and by degrees grown entirely obſolete, yet from this root has ſprung "a baſtard ſlip, known by the name of the Game Law, now arrived to "and wantoning in its higheſt vigour: both founded upon the ſame un"reaſonable notions of permanent property in wild creatures; and both "productive of the ſame tyranny to the commons."†

Our conſtitution, then, undoubtedly, ought to be vindicated, by the immediate repeal of every part of the game laws, which incroaches on *the power of the county*, or our true, free, and antient militia; as all the incroachments of other kinds made upon it in the two vicious and contemptible reigns of *Edward II.* and *Richard I.* ("thoſe rivals in brutal "luſts, folly, and oppreſſion,") were done away early in the two ſucceeding reigns. In the latter of theſe inſtances this was done, ſays *Lord Liverpool*, on the Commons petition, "that all the commiſſions and writs "made contrary to the ſaid ſtatutes (concerning the militia), and all the "indictments and accuſations, obligations and ties, made by colour of "the ſaid commiſſions and writs, with all the dependings and circum"ſtances thereto belonging, be cancelled, revoked, quaſhed, and diſ"annulled for ever, as things made againſt law, and that they may not "be taken for example in time to come."‡

But though the antient laws for arming are thus entitled to the higheſt preference, yet we ought not to neglect an amendment where plainly wanting. On the broad principle of univerſal duty, as well as in conſideration of the light coſt of ſuch antient arms as were to be uſed by the ſervant in huſbandry, every individual of that deſcription was required to provide arms at his own expence; and in default of ſo doing, his maſter was to buy the arms, and *abate his wages* for the payment.‖ But

* *Loft's Elements, page* 6. † *Blackſtone, IV.* 416.
‡ *Lord Hardwicke's Diſcourſe, p.* 25, 31.
‖ 33 *Henry VIII. c.* 9.

as the expence of a ſtand of modern arms is too much to be impoſed on ſuch a ſervant, or on perſons exempt on account of poverty from other taxes; and as, I truſt, it has been ſhewn, that to extend this expence to any below the condition of taxed houſeholders, is unneceſſary to the public ſafety; beſides, that, in time of invaſion, a great multitude of men without arms, muſt be as much wanted as fighting men; ſo, it appears to be proper to repeal ſo much of the antient laws as can be conſtrued to require any perſons below the degree of the houſeholder paying taxes, *to arm at their own charge:* Still, however, ſuch perſons ſhould not be exempt from the duties of defence as above ſpecified, nor from the public ſervice in quality of mechanics, or pioneers, drivers, guides, boatmen, &c. but be ſubject to be called on, at reaſonable wages, and employed under an organized ſyſtem of arrangement, *always prepared and in force* in time of peace, ready for the neceſſities of war; whereby as many of them as ſhould be wanted might be as readily claſſed, and brought to act, as the military part of the community in their ſeveral corps or battalions.

And if the principle of *univerſal duty* were clearly laid down in a law for reviving the ancient ſyſtem, there could be no doubt but that the common ſenſe of the officers, who, in time of invaſion, muſt have the command of theſe auxiliary unarmed men, as well as the acquieſcence of the men themſelves in filling the ſtations for which, by their particular trades or occupations they ſhould be beſt qualified, would produce all the effects propoſed by this act; and probably with more promptneſs and good effect, and with much leſs trouble, than can be expected where the whole, both of chooſing the particular employment, and whether to accept of any or not, is wholly left to the *option of each individual.*

It is a diſtinguiſhing feature of *Mr. Dundas*'s act, that it calls only for the *voluntary* ſervices of the people; and every individual is to have an option. This, at firſt ſight, may appear conciliating; but it is calculated to make wrong impreſſions, and to perpetuate the preſent great IGNORANCE of the Engliſh conſtitution; which is, unqueſtionably, one of the greateſt OF ALL OUR NATIONAL MISFORTUNES. That conſtitution—a conſtitution of liberty and beneficence—knowing it to be *equally the duty of every man* to defend the laws and liberties of his country, and the peace, property and happineſs of the community of which he is a member—confidently, juſtly, honourably, and wiſely PRESUMES *every* man a volunteer in ſuch a cauſe; and conſequently it dictates only an organization of the collective force, the means of rendering it effective, and the regulations under which it ſhall be exerted. To aſk, therefore, each individual, if he be a volunteer or not in the ſervice now propoſed, is at leaſt to cauſe a doubt in his mind, whether it be his conſtitutional duty or not; or rather, it inſinuates that no ſuch duty exiſts prior to an invitation on the part of the crown. Hence, the queſtion ſeems to be either diſtruſtful, enſnaring, embaraſſing, or inconvenient; and the act, in this reſpect, does not appear to be conſiſtent either with the conſtitution or with the leading words of its own preamble.

After theſe leading, conſtitutional words, we naturally look for deciſive enactments, and for the energetic arrangements of an *Alfred;* but inſtead of coming to the point at once, the act proceeds to declare the expediency of doing that which ought already to be done; of furniſhing his Majeſty with the means of "*procuring the information* neceſſary to the "effectual exerciſe of ſuch powers upon any emergency," as had been mentioned in the opening words; and for applying "the *voluntary* ſer-

"vices of his loyal subjects, &c." Surely, all neceſſary information on ſuch a ſubject ought at all times to have been in the officers of government; ſo that to have it to ſeek, at ſuch a moment as the preſent, muſt be evidence of no ſmall neglect in miniſters. More than three years ago the writer thought this part of their duty had even then been too long omitted, and he urged it upon their attention.* In the ſubſequent progreſs of arming the country, on principles as fatal, he thought, to our finances as to our liberties, he could not help making remarks to the diſadvantage of miniſters.† The impoveriſhing effects of their own meaſures have indeed at length reduced them to the neceſſity of looking *towards* the conſtitution, for the ſake of preventing the danger of invaſion, without complete national bankruptcy: But they appear to do it with ſuch averted countenances, and with ſuch alienation of mind and heart, the writer cannot yet withdraw that cenſure he then paſſed upon them; for, to his apprehenſion, the preſervation of the conſtitution is with them far too little, and the preſervation of their own power far too much, the grand rule and meaſure of action.

Of the ſtatute we are conſidering, although it be a duty to point out its imperfections, yet, as a law of the land, it becomes us to ſpeak with reſpect: This I certainly ſhall do, although I think the act very defective. It relates to a ſubject which has for a long time been ſtudiouſly thrown into the back ground of national politics; and having been thus kept out of ſight, is conſequently very little underſtood. The unbounded confidence placed by parliament in miniſters, is another very obvious reaſon why an act for ſuch a purpoſe, brought in by a miniſter, is likely to be defective; and if we add to theſe cauſes, the partiality of miniſters to a ſpecies of military force the very oppoſite in all things to the old Engliſh power of the county, we cannot in reaſon expect to ſee in this ſtatute any thing like a revival of that genuine defence of the country. Still, however, I admit the force to be raiſed under this act, to be an approximation towards our true conſtitutional defence; and an obſervant eye will ſee it is likely to help us forward towards the attainment of that grand object.

What is meant in the preamble by "voluntary ſervices," we find explained in the firſt clauſe, where it ſpeaks of ſuch of the people as "are "willing to engage themſelves to be armed, arrayed, trained, and exerciſed; and upon what terms." In this particular, it ſeems as if parliament had not been ſufficiently guarded; for here is an opening for adding to a danger already *infinitely too great*, that of putting arms into the hands of an indefinite number of perſons *without property*, and poſſibly to the excluſion of a ſufficient number of perſons of property being armed as a counterbalance! *Mr. Dundas*, it is true, in his circular inſtructions, has recommended the arming only of houſeholders, and of ſuch perſons as two reſpectable houſeholders ſhall recommend;‡ but ſtill it is left by the act in the diſcretion of miniſters to arm whomſoever they pleaſe, being only volunteers, than which nothing, ſurely, can be leſs conſtitutional.

The 8th clauſe, which provides that none who inroll themſelves under this act, ſhall be called into actual ſervice, except in the caſes of evident

* *Commonwealth in Danger*, 85. † *Conſtitutional Defence of England*, 136.

‡ In my own opinion, ſomewhat more than mere recommendation is here wanting. "But in all caſes, where a maſter or a principal armed *ſervants* or *ſubſtitutes*, ſuch maſter "or principal to be *ſureties* for the good behaviour of thoſe they arm. This regulation "would come within the principle of the ancient frank-pledge, and ought to be ſtrictly attended to." *Commonwealth in Danger*, 85. *See alſo p. 68 of this Appeal.*

neceſſity there ſet forth, is very proper: but when we conſider the indiſcriminate invitation held out to the two deſcriptions of men, thoſe who have property, and thoſe who have not, we ſhall find matter of ſerious reflection. But it is a moſt extraordinary feature in this act, eſpecially when we couple it with the Secretary of State's inſtruction or recommendation juſt noticed, that this invitation to a nation of freemen, is "to be armed;" that is, to be furniſhed with arms "during the preſent war with France;" (cl. 22) when, of courſe, if they accept this honourable invitation, and if miniſters ſhould accept their ſervices, they are to be again DISARMED. The peaſant who labours for his daily bread, and who has not the means of arming himſelf, would not, it is true, feel any indignity at ſuch treatment; but ſurely to invite men of independence and property into a ſituation to be thus treated, has been a great overſight in *parliament*.—In the framing of this act, I cannot but regret the pen had not at leaſt been in the hand of a gentleman educated in the ſtudy of the law of *England*; for I fear that when a condition ſo poignantly degrading to a nation pretending to freedom was inſerted, it muſt have originated in principles, derived from the ſtudy of a law leſs honourable to our ſpecies; and I am ſure, when it could paſs an *Engliſh* parliament, the genius of *Engliſh* liberty muſt have been in a ſlumber.

I cannot like all this confidence, for the purpoſes of *Engliſh* legiſlation, repoſed in a *Scotch* lawyer, trained up in the maxims of the *Roman* code. What a contraſt is here, to the only example in *Roman* hiſtory, truly worthy of *Engliſh* imitation!—"Take this ſword," ſays the virtuous *Trajan*, to the præfect of the pretorians, and uſe it, if I have merit, "for me; if otherwiſe, againſt me."†—Here we ſee a wiſe pagan, poſſeſſed of abſolute dominion, ſhewing a true ſenſe of human rights, and ſpontaneouſly acknowledging that the ſword, the true office of which is *to protect the people*, ought to become a ſword of defence even againſt himſelf, if ever he ſhould become the enemy of his country, as moſt of his predeceſſors on the throne had turned out. Need it be added, that ſuch a prince "continued his reign, loved, honoured, and almoſt adored by his ſubjects?"—Or that he "ſo little feared his enemies, that he could ſcarcely be induced to believe he had any?"—When told of a conſpiracy againſt his life, he would not believe it; but immediately took the means of putting himſelf completely in the power of the falſely accuſed perſon, and the next day, by a recital of the fact, ſilenced his calumniators.—Such is the peace and happineſs that reigns in the boſom of virtuous rulers; and ſuch the confidence *they* alone can repoſe in the affections of a people!

How different the ſentiments, the conduct, and the feelings, of the author of the Engliſh law now under conſideration, on preſenting the ſword,—not to a *præfect of pretorians*, but—to *ſelect parties of* THE PEOPLE OF ENGLAND! Whilſt meditating on the meaſure, we muſt conceive him to reaſon with himſelf thus: 'As this excellent policy of "the 'three laſt centuries," by which "*the arms of peace*" and *the ſword of* 'defence have been ſo ſucceſsfully filched from the people, will not, how-'ever, carry us through our preſent difficulty, neceſſity compels us to 'lend for a while the ſtolen goods to ſome at leaſt of their right owners, 'or we cannot ſtand our ground: we will, not, however, let them into 'the ſecret, that the poſſeſſion of arms is not only a right but a conſti-'tutional duty, for the neglect of which they are even now liable to pu-'niſhment by law; nor that it is the only ultimate ſecurity for their

† *Goldſmith's Roman Hiſtory*, II. 326, 328.

'rights and liberties:—we will not ſet about a revival of the true conſtitutional ſyſtem of defence, for that were to impeach ourſelves of having unneceſſarily ſquandered millions upon millions, and to deprive us in future of *a ſtanding army*; but we will introduce a mere temporary law, ſweetened with an invitation of none but *voluntary ſervices*; whereby the people ſhall be taught to believe that the ſword is *ours*, and that we are very kind and gracious in lending it to them, to preſerve themſelves and their country from deſtruction; and we will take eſpecial care, that as ſoon as our preſent turn is ſerved, this ſword, although it belongs to themſelves, ſhall again be ſurrendered to us; or we ſhall have no pretence left for keeping up a *ſtanding army*; and that would be againſt the firſt article of the creed of "the three laſt centuries."—As to the conſtitution, we know how to talk about it, and about it, without our hearers being a bit the wiſer: the people are ignorant and tame enough; and parliament has too much reſpect for its oracles, to doubt of any doctrines they ſhall deliver with firmneſs of face and the tone of authority.—Who's afraid, then? Allons! nay, I do not deſpair of taking in, on this occaſion, even the oppoſition.'

As it reſts wholly with miniſters to inrol only ſuch as are particularly acceptable to themſelves; and as this diſarming clauſe prevents the poſſibility of any *permanent* benefit, I confeſs, that my eſtimate of the value of this law differs very widely from the eſtimates formed of it by Mr. *Dundas* and Mr. *Pitt*. They flatter themſelves it will ſtrengthen their hands: I hope it will eventually ſtrengthen our liberties. They certainly mean, that, when the exertions it ſhall arouſe have ſerved their turn, the expiration of the act ſhall again conſign them to oblivion: I truſt it will be otherwiſe; and I contemplate the act with much ſatisfaction, as an excellent preparative towards "reſtoring to full vigour and energy" the antient and natural militia of *England*, with all the improvements and advantages of modern tactics and diſcipline. But if theſe yet young ſtudents in *conſtitutional* politics have at length diſcovered, that even *the moſt formidable troops on the continent of Europe* may be reſiſted by Engliſhmen armed, although not made mercenary ſoldiers for life, perhaps the period is not far diſtant, when their knowledge may be ſo far improved, they will learn, that even *a rabble of diſorderly rioters* may be effectually reſiſted in the ſame way, without the aſſiſtance of a mercenary ſoldiery. Should they, before the end of the war, make ſo much progreſs in the ſcience of conſtitutional government, they may call on their countrymen of property to *arm themſelves* on a *permanent* ſyſtem; inſtead of *being armed*, and then *diſarmed* again, for the ſake of practiſing an inſult which muſt prove their triumph over liberty; and of being able to plead the neceſſity, in future, of keeping up *a ſtanding army, at enormous expence*, merely to *keep the peace*, under their uncorrupt, mild, and wiſe adminiſtration of public affairs! But, ſhould they remain as great ſtrangers as at preſent to the practice of conſtitutional government, it is poſſible, I grant, they may gain by this ſtatute ſuch an acceſſion of military ſtrength as, in conjunction with fortunate circumſtances, may carry them through the war; yet there is nothing in ſuch a proſpect to flatter the people with the hope of ſeeing, either in war or in peace, the ſtanding army leſſened by the diſbanding of a ſingle ſoldier *miniſters can find taxes for keeping in pay*.

It might here be propoſed, as a queſtion to the curious, Whether *regular* ſoldiers are ſo called from being the inſtruments of *regular* governments; or, on the contrary, *regular* governments have derived their denomination from being in the keeping of *regular* ſoldiers?

SECTION II.

ANOTHER main feature of Mr. *Dundas*'s act, is that part of it which provides for what is commonly called, *driving the country*; but as this driving is not merely to remove the live ſtock, but the dead ſtock alſo; and to cauſe the utter deſtruction of every thing uſeful to an enemy, which cannot be removed, it deſerves our particular conſideration. The ſucceſsful execution of this meaſure by *Francis* I. when invaded by *Charles* V. and whereby he ſaved his kingdom, being perhaps the moſt celebrated in hiſtory, it is no more than reaſonable to ſuppoſe it is the example which all ſubſequent generals and war miniſters have had in their eye; but the example is ſo horrible as to put us rather on conſidering how the practice is to be avoided, if poſſible, than how it is to be carried into execution.

On the occaſion before us, one of the moſt populous, rich and happy provinces of France, about an hundred miles long and fifty wide, of an extent equal to the three counties of *Kent*, *Suſſex* and *Surry* united, was, as a mere meaſure of precaution, reduced to an uninhabited and frightful deſart. Two only of the cities being fortified, "the inhabitants of "the other towns, as well as of the open country, were compelled to "abandon their houſes, and were conducted to the mountains, to the "camp at Avignon, or the inland provinces. Corn, forage, and pro"viſions of every kind were carried away or deſtroyed; all the mills "and ovens were ruined, and the wells filled up or rendered uſeleſs. "The devaſtation continued from the *Alps* to *Marſeilles*, and from the "ſea to the confines of *Dauphiné*; nor does hiſtory afford any inſtance "among civilized nations, in which this cruel expedient for the public "ſafety was employed with the ſame rigour. The execution of this "plan *Francis* committed entirely to *Montmorency*, who was the author "of it; a man wonderfully fitted by nature for ſuch a truſt; haughty, "ſevere, confident in his own abilities, and deſpiſing thoſe of other "men; incapable of being diverted from any reſolution by remon"ſtrances or entreaties; and in proſecuting any ſcheme regardleſs alike "of love or pity."*

Good God! if ſuch be the *prudence* of war—if ſuch are to be its effects, wrought upon our own country by our own hands, dreadful indeed muſt be this ſcourge of the human ſpecies!—Here is the picture of a country extending as far as from *Dover* to *Chicheſter*, and from the ſouth coaſt to *London*; which preſented even to its ruthleſs invader, a face of ſo much deſolation as to ſtrike him with horror and chill his ſoul!

And when this policy is an acknowledged part of the ſcience of modern war, in which all the learned in that ſcience ſeem to be agreed; to us, who inhabit an iſland acceſſible on all ſides, it becomes a queſtion truly intereſting, whether ſuch a deſolation of our borders on the approach of an enemy be really neceſſary. If attacked at once on the eaſt, the weſt and the ſouth coaſt, to carry this deſolation to the extent it was carried in the inſtance before us, our whole iſland muſt be deſtroyed. And incalculable even would be the deſtruction and the calamities, ſuppoſing this deſolation to extend only twelve miles from the coaſt; as ſeemed to be in the contemplation of government when the ſheriffs were lately directed to make a return of the ſtock within thoſe limits.

But I aſk the ſtateſman and the ſoldier, if, on the true principles of

* *Eſſay on Defenſive War*, 39.

military defence, *any* ſuch deſolation be neceſſary? If he have not yet from the peruſal of theſe pages made the diſcovery, I will tell him, this monſtrous policy is a fundamental error in the ſcience of war, originating in *a violation of the fundamental principles of civil government.* It is in the practice of war its ſcience is formed; and all the modern kings and generals by whom it has ſucceſſively been cultivated and brought to its preſent degree of perfection, have contented themſelves with adapting their military rules to *that ſtate or condition of ſociety which fell under their experience and obſervation.* Seeing every where that monopoly of arms which forms *ſtanding armies*, and the bulk of every nation conſequently *diſarmed*, from this wretched condition of ſociety, experience uniformly proved the practicability of penetrating into any country even with an army inferior to its own; and for a while at leaſt being maſter of a portion of it. It was this danger, a danger certainly threatening a complete conqueſt, eſpecially if the invader happened to be ſuperior in ſtrength or generalſhip, that dictated this celebrated expedient, and ingrafted it into the ſcience of modern war.

But let any man, inſtead of this diſgraceful and miſerable ſyſtem of defence by a ſtanding army, only contemplate the noble and irreſiſtible ſyſtem of the great *Alfred*, and he muſt inſtantly ſee, that ſo dreadful an infliction of calamity on ourſelves never can be in the ſmalleſt degree neceſſary; but that proviſion of every kind may be left in its place, without enabling an enemy to advance one ſtep the more into the country; and conſequently that no other removals would become a matter of prudence, than merely a removal of the infirm and helpleſs part of the community, and of money or other valuables lying within ſo narrow a compaſs, as to be objects of pilfering or pillage.

Herein then our ſyſtem has a new recommendation of the greateſt magnitude and importance. Let any man calculate the deſtruction of the property lying in any county within twelve miles of the coaſt; let him imagine the confuſion and the countleſs miſeries of depopulating ſuch a border; the permanent ill effects in the poverty it muſt occaſion; the years it would require to reſtore to the country the ſame face of cultivation and plenty;* and the burthen upon the public purſe to make even ſome compenſation to the ſufferers, (for a complete compenſation is out of the queſtion); and he will ſhudder at the idea of ſuch a cruel ſacrifice being neceſſary to our ſafety, as often as *France* may find means to make a deſcent upon our coaſt. And there is yet another conſideration. If, inſtead of the complete ſecurity and enjoyment afforded to the people by the conſtitutional ſyſtem of defence, they ſhould experience the devaſtation of the other ſyſtem, how much diſcontent and alienation of heart from the common cauſe it might occaſion, ought ſeriouſly to be taken into the account. And with this comparative view of the two ſyſtems, can any Engliſh ſtateſman reconcile it to the principles of rational policy, that we ſhould ever in future be expoſed to ſuch dreadful viſitations, even if our preſent danger ſhould be averted by exertions on other principles than thoſe here offered to his conſideration?—An armed nation is ever ready for inſtant action; an unarmed nation, relying on ſuch a ſtanding army and on ſuch a navy as its peace eſtabliſhment can main-

* I have ſomewhere read, but cannot now recollect in what author, that the counties of *Wilts* and *Dorſet*, which were remarkably haraſſed and deſolated in the wars between the *Saxons* and the *Danes*, never to this day have recovered their antient proportionate population.

tain, is not:—The armed nation is at it were an army taking its customary repose; on a signal it awakes, snatches up its arms, and upon an unarmed neighbour can pour like a resistless and overwhelming torrent. With the experience then of our present danger, and with *France* in possession of *Belgium* and *Batavia*, can *England* repose in safety, even in peace, but upon her arms, as ready as her adversary for battle!

The returns lately made from my own township having led me to a consideration of the effects of the present erroneous system, in case an enemy should approach the coast of the county in which I live, I have endeavoured to state it in such a form as to convey some idea of the inconveniencies to be foreseen.

The bending shores of *Lincolnshire* being an hundred miles in length, there are consequently contained within twelve miles of the coast 768,000 acres of land. From these, deducting an eighth part for roads, drains and actual wastes, leaves a clear total of 672,000 acres of cultivated land. Considering then that this tract of land contains all the fine sea marshes and much other rich pasture land, as well as the richest of the tillage land, formerly fen, the stock about harvest time, which is a season particularly attended to by invaders, cannot be estimated at less on an average than six pounds per acre, allowing for fallows; which makes a total value in *mere provisions* of flesh and grain of above *four millions* of pounds sterling. And here we are to remember we are calculating only to a breadth of *twelve* miles; a space over which an unobstructed army would march in three hours; whereas the desolating system, to be effectual, ought to extend to double that distance at the least. In the instance we have taken from history, it reached *fifty* miles in-land. Now it is pretty evident, that in case of driving the country, the greater part of the stock must be *destroyed*; for if it take up every farmer two or three weeks to load his hay and corn from his own fields to his own yard, how is it possible to convey it *on a sudden* many miles on the appearance of an enemy? and no general will think of the cruel expedient of *driving* until the moment of imminent danger. Even cattle and sheep must in a very great degree be destroyed; for where are the immense herds and flocks from the sea-coast marshes and pastures to find food, if driven into the interior, where every man has already as much stock as his land can support?

Perhaps it may not be the intention of government to carry the desolating system so far as it was carried by *Francis* the First; because they cannot foresee the enemy's point of attack, and therefore will not have time for doing it completely; but the provisions of the act of parliament go to the whole extent; and we know that, on the mistaken principles I have controverted, nothing is to be left unremoved or undestroyed "which may be of advantage to an enemy." The words of the act are, "such orders as shall be necessary for *the removal of the inhabitants* of "any house, hamlet, or DISTRICT, or place, or any of them, and especially such as by reason of infancy, age, or infirmity, or other "cause, shall be incapable of removing themselves in case of danger; "and also, in case of necessity, to DESTROY any *boats, barges, waggons, carts, or other carriages, horses, cattle, sheep, hay, straw, corn, meal, flour, or provisions of any kind*, or any thing which may be of advantage to the enemy; and to *remove*, DESTROY, or *render useless*, any "*house, mill, bridge*, or *other building*, &c.

Until our system of military defence shall be changed, I admit the *necessity* and consequently the *propriety* of thus sacrificing a part to preserve the whole; but now that we see such danger at our doors, and that the government and the legislature are preparing to act upon a system so

much to be deplored, I truſt that what I have ſaid will make a due impreſſion; and that when ſuch fatal conſequences are traced up to their proper cauſes, thoſe cauſes will be removed.

Cloſely allied to this ſyſtem of an invaded country deſolating its own borders, is that other ſyſtem as univerſally recommended by hiſtorians and maſters in the art of war, to nations on the defenſive, of *retreating, fighting only in ſtrong poſitions, and wearing out the enemy by procraſtination.* But this again, turning on principles very ſimilar to thoſe which governed the former caſe, is no longer to be a rule of military conduct, than while thoſe principles hold good. Even an *armed* nation that is very *ſmall*, and every nation that is comparatively *weak*, does right to adopt the *Fabian* ſyſtem; and whenever a nation's exiſtence may be hazarded by a ſingle battle, *(which never can be the caſe under the ſyſtem here recommended)* it is madneſs to try the iſſue: but at the ſame time we ought not to ſhut our eyes to thoſe caſes in defenſive war in which the Fabian ſyſtem is contrary to juſt principles, nor ought we to act upon a ſyſtem in which it could ever be unneceſſary. The ſame hiſtory which records the wiſdom of *Fabius*, alſo informs us that *Hannibal* maintained the war againſt the Romans in *Italy* for *fifteen years*. God forbid that *Buonaparte* ſhould maintain the war in *England* for fifteen months! —— Adopt but the ſyſtem of *Alfred*, and in *fifteen hours* he muſt think of a retreat or a ſurrender. Under that ſyſtem, your whole coaſt would be an ambuſh. Wherever an invader landed, he muſt neceſſarily find an enemy in front and on both flanks; and an enemy perfectly acquainted with every foot of ground and every natural advantage; * and before he could land cannon enough to venture into the country, he would be ſurrounded with a devouring artillery and with a ſtrength of men, againſt which neither courage nor genius could avail him. Under this true conſtitutional ſyſtem of defence, it is therefore moſt evident, that neither the cruel expedient of deſolating our own borders, nor the diſtreſsful policy of protracted war, would be either neceſſary or juſtifiable; nor can imagination, under this ſyſtem, conceive the poſſibility of a ſucceſsful invaſion of our country, although attacked in twenty points at once, and although in the twenty armies every Frenchman were a *Buonaparte!*

On a ſmall ſcale, our own late expedition againſt *Oſtend*, is a caſe in point. Our army, after effecting its *coup de main* on the ſluice mouth, being unable to retreat, was compelled to ſurrender without a ſtruggle to *the armed inhabitancy;* for ſuch I am aſſured were the troops who captured that army.

Nor when we conſider the plan of conveying troops by ſea into the rear of an invading enemy, an idea wiſely *adopted* by *Sir Charles Grey*, ſhall we ſee even that precaution to be neceſſary, provided our *inhabitancy* be armed. They muſt at all times, and on every part of our coaſt, ſo out-number an enemy as to make ſuch a ſyſtem not only unneceſſary but inexpedient; becauſe the ſyſtem implies that a naval force ſuperior to that of the invader's, and a body of tranſports of ſome kind or other, are always to be kept in readineſs for this ſervice. Here is a vaſt expence without neceſſity; for to render this ſyſtem effectual, the means muſt be provided, and the expence of it incurred, at different parts on the coaſt. If this manœuvre is to be performed *immediately* after the enemy have landed, his naval force is preſent to conteſt the point: If after his navy have re-

* This cauſe of ſuperiority is thrown away when we ſend the *Lincolnſhire militia* into *Eſſex* or *Hampſhire*, and have *Scotch fencibles* to defend *Lincolnſhire*.

tired, and his army is ſuppoſed to have *penetrated into the country*, then bodies of the armed inhabitancy can puſh into his rear and cut off his retreat without naval aid.

As a feature in defenſive war, while the officer was obliged to accommodate his plans to the exiſting circumſtances of a country depending on a ſtanding army, this mode of cutting off an invader's retreat, by a naval movement, was a maſterly idea, worthy of its original author.

Leaving, therefore, the arming ſyſtem under this ſtatute, to be compared to the ſyſtem of our forefathers, adapted to modern times as propoſed in this Appeal; and leaving alſo Mr. *Dundas* to be compared with *Alfred*, I ſhall drop the ſubject for the preſent with one more obſervation. In praiſe, then, of the act, I have to remark, there is nothing in it to violate the right of any taxed houſeholder, in whoſe mind the principles of liberty and loyalty bear equal ſway, to aſſert the prerogative of a free man, and to arm himſelf in defence of his country and her peace, as in duty and by law he is bound to do.

Let the reader now once more duly conſider the ſad condition of his country, and reflect on its diſeaſes, its miſgovernment, its diſtreſſes and its danger, that he may the better appreciate the advice contained in theſe pages. The *diſeaſes* of the ſtate are ſeen in a general palſy of its conſtitutional powers of defence, and in the vital principle of repreſentation being nearly at its laſt pulſation; — the *miſgovernment* of the ſtate is ſeen in the horrid frequency of its wars, and the wild diſſipation of its wealth; until all credit, and the very means of anticipation, are nearly exhauſted: — the *diſtreſſes* of the ſtate are already univerſally felt and acknowledged; the ſword, ſo wantonly drawn againſt a neighbour in his diſtreſs, now threatens a ſevere retribution; and TAXATION, once a light impoſt freely given and eaſily borne, is beginning to rank with peſtilence and famine, as a national ſcourge: — and as to the *danger* of the ſtate, its ſituation is like that of a betrayed army between two fires; without, it has a hoſtile conquering republic; and within, it has the borough faction: if either ſucceed, it muſt inevitably periſh.

It is high time, then, to have done at once with all ſyſtems borrowed of arbitrary governments, and with the enormous expence by which they are all attended; and, guided by the illuminations of an *Alfred's* mind, to return to thoſe alone which are perfectly congenial with our own conſtitution and with freedom. Deciſion and energy combined with rectitude and œconomy, alone can ſave us. Of energy, ſimplicity is the ſoul. In a reformed repreſentation and an armed inhabitancy, lies the whole ſecret of our two-fold defence, and the certain diſappointment of our enemies. Wonderful would be the effects towards the relief of our pecuniary burthens, from the adoption of this unexpenſive ſyſtem.

SECTION III.

ENJOYING an abſolute ſecurity at home, from an inhabitancy thus trained to arms, an attention to the protection of our own coaſts could no longer be a clog upon our NAVY, confining a large portion of its ſtrength to defenſive poſitions and operations; but its whole force would then be unfettered, and at full liberty to ſeek the enemy in every ſea, even the moſt diſtant; and thus our commerce ſpread over the whole globe, and our foreign ſettlements, would find a fulneſs of protection, which perhaps they cannot now experience, while *the defence of* ENGLAND neceſſarily occupies a numerous and powerful fleet. But if, indeed, con-

siderіng the reduced condition of the enemy's navy, those foreign services are already well and amply provided for, then our own navy might doubtless be reduced, in relief of the public burthens; as, not unnecessarily to waste our strength is a maxim of common prudence. *

English prejudice, fostered by the pernicious policy of "the three "last centuries," may talk of our *wooden walls*, and of our navy as *an arm of defence*; but, as soon as we shall return to nature and to manhood, we shall find such language nonsense. After the memento of the year 1797, we shall be wooden politicians, if we do not provide for our defence independently of these floating walls; for that a completely armed nation is invasion-proof, without the aid of a single ship, is a self-evident proposition. With all our naval superiority, with our own innumerable shipping, and with a new confederacy of all the continental powers, who would dream of again invading *France* with effect? And have we not all seen by *Hoche's* expedition to *Ireland*, that a superior navy is not a certain safeguard against an invasion of our coast?

Here is an important lesson which these new times have taught us; times in which we stand in so much need of this kind of instruction. Here, at one stroke, annual millions to a great amount might be saved; and as fast as we should advance in training ourselves to arms, still annual millions more in number (now devoured by the support of an immense standing army, the worst of all applications of public money!) might also come to the relief of our necessities; and even the war might be continued without either multiplied assessments or new taxes! So secured, as we should be, from the possibility of surprize, great indeed might be the reductions of our peace establishment; and when the leaks of corruption were also stopped, by a reform of parliament, and every bar removed to plans of future œconomy, by the Chancellor of the Exchequer being rendered independent of all who had an interest in defeating public œconomy; we might look to the productive industry of our country, and to counsels of peace and wisdom, not only with hope, but with confidence, of having the national debt put in a course of rapid discharge.

From the foregoing statement it must appear, that, whether *France* be really meditating the subjugation of our country, by invasion; or the ruin of our finances, by protracting the war; we are equally invited to adopt the energetic and unexpensive system of defence here recommended. Besides, if we would live FREE, we must be our own defenders; *for the world has not yet produced that nation, which, trusting its defence to a standing army of hired soldiers, without either property or freedom, has not sunk into slavery and wretchedness!*

An internal tranquillity which nothing could disturb, would be another happy effect of reviving the constitutional system of our ancestors. An armed power of the country every where present, constantly ready at the call of the magistrate, and abundantly able to crush all resistance, must have the effect of *preventing* tumult, which a standing army can only *quell*, and that perhaps when the intended mischief is done. "While "soldiers are quartered at *York*, rioters raze to the ground the houses of "magistrates at *Sheffield*: While soldiers are stationed at *Nottingham*,

* Instead of this naval reduction and œconomy, we see Mr. *Pitt* cancelling by act of parliament all protections; so that he may impress into the public service, and pay every sea-faring man in the kingdom. How every-way ruinous is government on false principles! On the contrary, were we but a completely armed nation, we might hope to see the unconstitutional practice of impressing greatly reduced, if not annihilated. It is a service attended with enormous expence.

"rioters set *Birmingham* in flames." * Too many disgraceful events of this nature are in our remembrance; and one among the rest, which threatened the metropolis with destruction.

As these are times to speak plain, the writer has proposed in very plain terms, those reforms, civil and military, which in his judgment are necessary to save his country; and in so doing, he trusts he stands on the firm ground of the constitution. This plain speaking will be opposed in the mysterious language of paradox. According to *the faction*, it will be DANGEROUS to arm *all taxed householders*, for preserving the peace; to make soldiers for the safeguard of *property*, of those who have *possessions*; and to entrust the defence of their *constitution* and *country* to a *free* nation, especially when all this is to be done without a despotic military code. According to *the faction*, all these objects are better defended by that machine called a STANDING ARMY; their predilection for which, considering the *patronage* it affords, and its great utility in the establishment of arbitrary power, is nowise surprizing.

In reply, I must observe, that if this opinion could even be reconciled with common sense, it is still contradicted by all history, and that the common law of this land bears against it a strong testimony; wherefore I must quote an old legal maxim, "that *no man must think himself wiser* "*than the law*, which is the gathered wisdom of ages;" † and likewise observe, that immemorial law, inforced by statutes still unrepealed, requires *a much more extensive arming* than I have proposed. ‡

"Upon cry made for *weapons* to keep the peace, EVERY MAN, where such accidents happen for breaking the peace, may by law arm himself against such evil doers." § And "all subjects, who are not continually *ready* for the orders of the sheriff, or an alarm in the country, are exposed to the royal displeasure and to a SEVERE PENALTY." ‖ And it being moreover unquestionable law, that in case of invasion, EVERY MAN is at the command of the King to oppose the enemy, it would be strange indeed, if he were compellable to march up to a French battalion, unless he were *in law* presumed to know the use of arms. It is upon this principle of arms-bearing being the duty of EVERY MAN, that failing to protect the property of our neighbours against insurrection, be it of what force it may, is in the eye of our law a *crime*; and it is for this crime the vicinity is punished by our law for the mischiefs done by rioters.

It was the apprehension of arbitrary power being introduced, which was the material ground of objection when the honest *William Shippen*, and other patriots, so often spoke in parliament with extreme jealousy of the gradual augmentations continually making to a *standing army*; and it was a reason which, had not the seeds of corruption been *then* sown, must have prevailed: but a new and powerful reason—a reason to which another interest than that of mere public virtue, calls on us to attend—ought *now* to operate. The private soldiers of the *standing army* are precisely that description of men, on whom the captivating address of a *Buonaparte* must operate with the greatest force. The bulk of them became soldiers either from indiscretion or distress; and they are only held in the service by the strong hand of legal constraint. Very lax principles of morality, from causes but too well known, and, as to the gene-

* *Commonwealth in Danger*, p. 15.
† *Enquiry into the Legal Mode of suppressing Riots*, p. 40.
‡ *See the Constitutional Defence of England.*
§ *Jones's Enquiry*, p. 27; also *Popham's Reports*, p. 122
‖ *Ib.* also *Stat. of Westminster*, I. c. 9; and see likewise *Lambard's Eirenarcha*, B. 3 p. 316; and 33 *Hen. VIII.* c. 9.

rality, more their misfortune than their reproach, must leaven the mass. And, being universally *destitute of property*, they have in that respect no common interest with any in the nation, above the rank of day labourers. Is it a soldier's *poverty* which is his recommendation to the office of defender of a nation's *property*? or, is it because he has a stronger motive to this defence than the owner, that our armies are a collection of the most destitute men of the community?

Has the mere wearing of a red coat, instructed them in the excellence of the English constitution? or, have the rigours of the articles of war, taught them the value of political liberty?—Has the wandering life of hired soldiers improved their attachment to the land of their fathers? or, has the pittance on which they subsist, put them out of the reach of temptation? Can the proprietors of all the lands and all the wealth of England see no impropriety in the whole being, in so very great a degree as they know to be the fact, confided to the care of men who have neither property nor freedom? And on the eve of a period, when it is at least very possible they may be thrown in the way of temptations, almost too great for human nature to withstand?

Lord Liverpool, speaking of "*the miseries and oppressions* which some states "have suffered from the common sort of armies," says, "these evils have "arisen from such [soldiers] only, who have *made war their profession*; it "is the idle and dissolute manner of living that alone debauches the sol-"dier's inclination, when, without home, without industry, and without "occupation, he must subsist either by pay or by plunder; armies com-"posed of such as these have sometimes enslaved a nation under pretence "of doing themselves justice; our history furnishes a remarkable in-"stance of this kind, which shews clearly what it is that converts a sol-"dier into a rebel, and makes him dangerous to his country." *

If the effect of what they stile *French principles* on the *other* classes of society are so much dreaded by our rulers, what, I ask, is the secret, by which they hope to keep their standing army free from infection? Do they not know that these principles, whatever they are, have given the French all the victories they have yet obtained, and all the countries they they have yet conquered? And are they not aware, French invention may contrive to give these principles, with persons open to their impression, far more influence in *England* than they have ever yet had elsewhere?—

If, not only to gain the ascendant, but to glut a deep revenge:—if, not a mere conquest, but a final *delenda*—a blotting out of *Britain* from the powers of the earth, be, as I believe it now is, the secret wish of every Frenchman's heart, is it not an object they would purchase, even at the price of the whole spoil this rich island would afford?—If, then, we would not resemble *Carthage* in her fate, let us not seek to resemble her in her folly. While contending with *Rome* for the dominion of the sea and the empire of the world, she confided in hired armies, and—SHE DESERVEDLY FELL!

Can any considerate man look back to the frightful events of last spring, at *Spithead*, at *Plymouth*, and the *Nore*, and not discern the portentous danger to which I point? Can any man of a sound mind, reflect on the *cause* which kept our armies out of *camp* during the succeeding summer, and not shudder at the idea of our country, and our all, depending chiefly on a soldiery hired for a few pence a day, for protection against the armies of *France*, every where proclaiming *liberty* and *equality*, and offering to those who should join their standard, a large share in the spoil;

* *Lord Hawkesbury's Discourse, p. 50, where he gives the instance.*

and a PERMANENT property, out of the confiſcations of a proſcribed nobility? And of all oppoſing land-owners, our wiſe fore fathers, ſays *Trenchard*, "would not have ſuffered a mercenary army to defend the "nation if they would have done it gratis. They would rather have "miſtruſted it would double the invaſion, and make it as big again as it "was."* *Sylla* bribed *the legions* with the confiſcated lands of the loyal Romans; and the army was again bribed with confiſcated eſtates by the *Triumviri*. †

Miniſters well know, how eaſy it is for thoſe who have good things to beſtow, to convince men they are even ſerving, when in fact they are deſtroying their country. Why are they to ſuppoſe French generals inferior adepts in this art to leſs ſucceſsful politicians? What ſhould hinder ſuch generals, if once at the head of powerful armies they had got footing in *England*, from convincing the needy and the ignorant, that to join them would be the only way to eſtabliſh liberty, and to baniſh poverty from the land?—Miniſters, in the courſe of this war, have cauſed a belief of things as incredible! If, then, in *ſuch* a war, and at *ſuch* a moment, AS THE PRESENT, not completely to arm our inhabitancy, but, principally, to reſt our dependence on a hired ſoldiery, be not political inſanity, I know not what is!—"Arms," ſays *Fletcher*, "ought never "but in times of utmoſt neceſſity, to be put into the hands of mercena-"ries;" and it is very certain, that by adhering to our conſtitution we never can be brought into that neceſſity.

Although, as in this work I have ſhewn, miniſters have been careful to ſpeak of *French* principles with ſtudied *myſtery* and *obſcurity*, *Buonaparte*, we may be ſure, will not only ſpeak ſo as to be underſtood, but will recommend the principles he ſhall proclaim in high ſtrains of eloquence. Does not every invader, whoſe object is a conqueſt, endeavour to conciliate the good will of the inhabitants of the country invaded, and to appear in their eyes in the amiable light of a deliverer? He, of courſe, begins his declarations with a recital of their grievances; then urges the reaſons why he is entitled to their confidence; and concludes with ſketching out the promiſed redreſs to the country in general, and the great rewards awaiting thoſe who ſhall join his ſtandard.

In gaining over to him the army, where the inhabitants are not armed, an invader at once gains every thing. But ſuppoſing our army to be incorruptible by offers of ſpoil, muſt we not conſider the materials out of which that army was taken? Is there not here again, a wide field for the operation of what miniſters are pleaſed to call *French* principles, but which, in fact, are the principles of nature operating on the human mind in general? And have they not ſucceſsfully operated, wherever republican *France* has yet turned her victorious arms? ‡

If miniſters, and our nobles, do not diſdain the inſtruction of hiſtory, let them well conſider *all the circumſtances of the nation's ſituation*, which encouraged the Prince of *Orange* to invade this country: what was *his* conduct, and what the event? At that time the complaint was, the danger to *liberty* and *religion*; at this time it is, the danger to *liberty* and *property*. The deſpicable bigot *James* had, it is true, been very buſy in taking away religion; but then he offered the nation in exchange, what he thought a much better religion, and plenty of it. In reſpect to its *property*, the nation had ſcarcely felt a "ſcratch;" for, at his expulſion, the national debt was only HALF A MILLION.

* *Tracts by Trenchard and Gordon, I.* 41.

† *Burghe's Polit. Diſq. II.* 365.

‡ Cavillers will be pleaſed to recollect, that *practices* are NOT PRINCIPLES.

The caſe is now reverſed: Miniſters, God knows, are eaſy enough in reſpect of our *religion*, but are not ſo eaſily ſatisfied where our *property* is concerned. *Mr. Pitt* and his predeceſſors, ſince the quarrel with *James*, have diſſipated for the nation FOUR HUNDRED MILLIONS of it; and, in exchange, have preſented it with a good ſtore of TAXES; of which, even ſhould the war be concluded within the year, they muſt pay, if it can be ſqueezed from them, THIRTY MILLIONS per annum, on a peace eſtabliſhment. So much, then, for RELIGION and for PROPERTY, which ſhew the points of difference between King *James* and *Mr. Pitt*: They have alſo their points of agreement.

But let us open *Rapin*, and ſee his account of the invaſion of the laſt century, and the management of the invading general.

"About the ſame time," ſays he, "was printed a letter from the "Prince of *Orange* to the officers of the *Engliſh army*, and another from "Admiral *Herbert* to the *Engliſh fleet*. The deſign of theſe two letters "was the ſame, namely, to inform the army and fleet of the true inten- "tions of the prince, and to repreſent to them, that in being the King's "inſtruments to accompliſh his deſigns, they were labouring their own "ruin: wherefore the officers, ſoldiers, and ſailors, were conjured not "to ſuffer themſelves to be abuſed by a falſe notion of honour to ſerve "the King, contrary to the manifeſt intereſt of their religion and coun- "try. The two letters had a *wonderful effect* upon officers, ſoldiers, and "ſeamen; ſo that, from this time, many of them reſolved not to draw "their ſwords in this quarrel, till they had *a free parliament* to ſecure "their *religion* and *liberties*." *

This was in 1688, when the prince was at the eve of invading *England*. On his arrival he diſperſed a declaration, containing "a particu- "lar enumeration of the grievances of the Engliſh nation;" and avow- ing "that his expedition was intended for *no other deſign* but to have a "free and lawful parliament aſſembled as ſoon as it was poſſible, &c." What would be the topics on which a *Buonaparte* would now dwell, muſt be left to the reader's imagination to ſuggeſt.

SECTION IV.

BUT before we loſe ſight of that dangerous inſtrument of govern- ment, *a ſtanding army*, let us ſee what the greateſt of modern Engliſh- men, when unhappily diſpoſed to deliver its panegyric, had to ſay in its recommendation; I ſpeak, as the reader muſt perceive, of the *firſt* WILLIAM PITT. "Formerly," ſays his elegant hiſtorian, "he had "diſtinguiſhed himſelf by his oppoſition to a ſtanding army; and, in "purſuance of this principle, had eſpouſed every reſtriction that had "been propoſed upon the deſpotiſm of military law. Now he pleaded "for an extenſion of that law; and oppoſed a bill, whoſe object was to "have created ſuch a rotation in the army, that, in a few years, every "peaſant and artizan in the kingdom would have underſtood the buſineſs "of a ſoldier; and the people in general have probably concluded, that "a ſtanding army was altogether uſeleſs." "Our liberties exiſted," he declared, "ſolely in the dependence upon the DISCRETION of the So- "vereign, and the VIRTUE of the army. To that VIRTUE," ſaid he, "we muſt truſt, even at this hour, ſmall as our army is. To that

* *Vol. II.* 774, 776.

" VIRTUE we muſt continue to truſt, ſhould we eſpouſe all the precau-
" tions our warmeſt oppoſers can deſire. And without this VIRTUE,
" ſhould the Lords, the Commons, and the People of *England*, intrench
" themſelves behind PARCHMENTS up to the teeth, THE SWORD WILL
" FIND A PASSAGE TO THE VITALS OF THE CONSTITUTION."*

Here, then, delivered by the moſt ſplendid genius of our age, is the panegyric of a *ſtanding army*; a panegyric at which every lover of his country, while he reads, muſt tremble! But the law of nature, which has impreſſed it on the heart of every one who has not degenerated from the character of a MAN, that political liberty and *arms of defence* are his right; and the deep wiſdom of *Alfred*, who taught the happy organization by which a whole nation, as one man, may ever ſtand prepared for and armed againſt all danger; have left us in A SUBSTANTIAL REPRESENTATION and AN ARMED INHABITANCY, a better ſecurity, methinks, for our liberties and our poſſeſſions, than either the DISCRETION of a Sovereign, the VIRTUE of a ſtanding Army, or the PARCHMENTS of a ſtanding Parliament. It completes the picture of a ſtanding army to ſay, that, in a military view, it exhibits exactly what, in a political view, we ſee in the Borough Faction—the concentration of the power of the nation in the hands of a few; a power which never can be otherwiſe than dangerous in the extreme—nor, indeed, other than an actual deſpotiſm, while monopolized.

It is this concentration of *legiſlative* power at the diſpoſal of a miniſter, which both tempts and enables him to cripple liberty by unconſtitutional law; and it is this concentration of *military* power, which alſo tempts and enables him to complete its deſtruction by the ſword; and when once a legiſlative foundation for deſpotiſm is laid, we always find the greateſt impatience for finiſhing the work. " A ſevere proſecution
" of conventicles," ſays Biſhop *Burnet*, " was ſet on foot, and a great
" deal of money was raiſed by arbitrary fines; Lord *Athol* made of this,
" in one week, 1900l. ſterling. I did all I could to moderate this fury.
" Duke *Lauderdale* broke out into the moſt frantic fits poſſible. When I
" was once ſaying to him, *Was that a time to drive them into rebellion?*
" Yes, he ſaid, would to God they would rebel, that ſo he might bring
" over an army of Iriſh papiſts to cut all their throats."†

And we have recently had a ſpecimen ſomewhat of the ſame kind, in the declaration of a gentleman of great influence in *Ireland*, who avowed it to be the plan of his faction, to provoke his diſcontented countrymen to break out into open rebellion, that the ſword might be drawn in earneſt.

How then, at once, are the dangers of a ſtanding army, and of a French invaſion, to be averted? It is not by following the inſidious counſels of artful, nor the raſh counſels of arbitrary and angry men, but by calmly conſulting the ENGLISH CONSTITUTION; by philoſophically reading the *human heart*, and by honeſtly reſpecting the rights of *human nature:* And in particular reference to the laſt-mentioned of theſe dangers, it is by oppoſing not only ſwords to ſwords but principles to principles. To *French* principles, oppoſe *Engliſh* principles. Give to the people true *Engliſh* liberty, *Engliſh law*, and a conſtitutional *Engliſh force*; and then, neither *French* liberty, nor *French* law, would have charms to ſeduce; nor would the *French* force, gigantic as it is, have power to ſubdue them. But if, to the laſt moment, our miniſters, like

* *Life of Lord Chatham*, *I.* 48. † *Hiſtory of his own Times*, *I.* 476.

the governments on the continent, ſhall cling to their corruptions, and to all the ſorry machinery of a falſe ſyſtem; ſhall we have cauſe to be ſurprized, if they and their ſyſtem find one common grave, under the ruins of our country?

Mr. Dundas's act (38 Geo. 3, c. 27) appears to the writer an ill-judged ingraftment upon two diſcordant and indeed oppoſite military ſyſtems; and he expects the conſequence will be a military medley, incapable of an orderly and energetic exertion of the national force, if *France* ſhould be able to make any ſerious attempt upon our Iſland. The awkward exertions, however, it is likely to occaſion, may eventually produce exertions of a ſuperior nature; and thus it may be a mean of good.

In diſapproving of a ſtanding army, as *unneceſſary* and extremely burthenſome, and as not only utterly inadequate to national defence in ſuch a time as the preſent, but in the higheſt degree dangerous to our liberties, I have the ſupport of ſo many authorities from men who have highly adorned not only our own country but the great republic of letters, I can have no apology to make.

Swift, in his letter to *Pope*, 10 Jan. 1721, ſays, "I had likewiſe, in "thoſe days, a mortal antipathy againſt ſtanding armies in times of "peace; becauſe I always took ſtanding armies to be, only ſervants "hired by the maſter of the family for keeping his own children in ſla-"very; and becauſe I conceived, that a prince who could not think "himſelf ſecure without mercenary troops, muſt needs have a ſeparate "intereſt from that of his ſubjects: although I am not ignorant of thoſe "*artificial neceſſities* which a corrupted miniſtry can create, for keeping "up forces *to ſupport a faction* againſt the public intereſt."

Sir William Temple tells us, "Standing forces, or guards in conſtant "pay, were no where uſed by lawful princes in their native or heredi-"tary countries, but only by conquerors in ſubdued provinces, or u-"ſurpers at home; and were a defence only againſt ſubjects, not againſt "enemies." *

It is juſtly obſerved by *Trenchard*, that "*Harrington* has founded his "whole *Oceana* upon a trained militia;" and that "*Lord Bacon* in ſe-"veral places bears his teſtimony againſt a ſtanding army, and particu-"larly tells us, that a mercenary army is fitteſt to invade a country, but "a militia to defend it; becauſe the firſt have eſtates to get, and the "latter to protect."—Again, "None of which nations (the *Iſraelites*, "*Athenians*, *Corinthians*, *Achaians*, *Lacedemonians*, *Thebans*, *Samnites*, and "*Romans*) whilſt they kept their liberty, were ever known to maintain "any ſoldiers in conſtant pay within their cities, or ever ſuffered any of "their ſubjects to make war their profeſſion; well knowing that the "ſword and ſovereignty march hand in hand;" and, beſides theſe, he afterwards cites the example of ſeveral other nations that were enſlaved by their own armies.†—Again, "The firſt footſteps I find of a ſtanding "army in *England* ſince the *Romans* left the iſland, were in *Richard* the "Second's time, who raiſed four thouſand archers in *Cheſhire*, and ſuf-"fered them to plunder, live upon free quarter, beat, wound, raviſh, "and kill wherever they went; and afterwards he called a parliament, "encompaſſed them with his archers, forced them to give up the whole "power of parliament, and make it *treaſon* ‡ to endeavour to repeal

* I. 70. † *Tracts by Trenchard and Gordon*, I. 10, 25.

‡ When ſuch reigns as thoſe of *Edward* II. *Richard* II. and *Henry* VIII. are alone diſtinguiſhed in Engliſh hiſtory for the creation of "wild and new fangled treaſons," as *Blackſtone* calls them, all creators of new treaſons muſt of courſe fall under the ſuſpicion of treading in the ſteps of ſuch brutal rulers.

" any of the arbitrary conſtitutions that were then made: But being af-
" terwards obliged to go to *Ireland* to ſuppreſs a rebellion there, the
" people took advantage of it and dethroned him. The nation had ſuch
" a ſpecimen in this reign of a ſtanding army, that I do not find any
" king from him to *Charles* I. that attempted keeping up any forces in
" time of peace, except the Yeomen of the Guard, who were conſti-
" tuted by *Henry* VII.—Nor would they ſuffer our kings to keep up an
" army in *Ireland*, though there were frequent rebellions there, and by
" that means their ſubjection was precarious; *as well knowing they would*
" *be in England when called for.*"

But, ſays he again, " Thus what our court for above a thouſand years
" together had never effrontery enough to *aſk*; what the *penſioner parlia-*
" *ment* could not think of without aſtoniſhment; what King *James*'s par-
" liament (that was almoſt choſen by himſelf) could not hear debated
" with patience, we are likely to have the honour of eſtabliſhing in our
" own age, even under a *deliverance.*" This was written ten years after the *Revolution*, in the reign of King *William*; who, in return for a crown, bequeathed to the people who gave it him, the *ſtanding army* and the *funding ſyſtem*. *Trenchard* proceeds to unfold the policy which accompanies ſuch armies, and obſerves, that " an army kept in *Ireland*, is more
" dangerous to us than at home: for here, by perpetual converſe with
" their *relations* and *acquaintance*, ſome few of them perhaps may warp
" towards their country; whereas, in *Ireland*, they are kept as it were in
" garriſon, where they are ſhut up from the communication of their
" countrymen, and may be nurſed up in another intereſt. This is ſo true,
" that it is a common policy among arbitrary princes often to ſhift
" their ſoldiers quarters, leſt they ſhould contract friendſhip among the
" natives, and by degrees fall into their intereſt."

And he adds, " If the army ſhould be continued a *few* years " [It has now been continued an hundred years] " they will be accounted a part
" of the prerogative, and it will be thought as great a violation to at-
" tempt the diſbanding them, as the guards in *Charles* II's time: It
" ſhall be interpreted a deſign to dethrone the King, and be made an
" argument for keeping them up." *—We have lived to ſee *Scotch* ſoldiers employed to keep the peace in *England*, and *Engliſh* ſoldiers enforcing the execution of the laws in *Scotland*, and plenty of both nations teachers of loyalty to the people of *Ireland*: But we have alſo witneſſed what *Trenchard*, ſhrewd as he was, had not ſagacity enough to prophecy, —our country covered with *barracks*, and even an *Engliſh militia* conſtantly kept at a diſtance from " their relations and acquaintance," and even employed in *Scotland* and *Ireland*!!!

Again: " Were not the *French* as powerful in *Charles* II. and king
" *James*'s time, as they are after this long and deſtructive war [1697],
" and a leſs alliance to oppoſe them? And yet we then thought a much
" leſs army than is now contended for, a moſt inſupportable grievance;
" inſomuch that in *Charles* the IId's reign the *grand-jury preſented them,*
" *and the penſioner parliament voted them*, to be a nuiſance; ſent *Sir Joſ.*
" *W—ſon* to the Tower for ſaying *the king might keep guards for the de-*
" *fence of his perſon*, and addreſſed to have them diſbanded."†—A miniſter can now maintain with impunity, that the king can bring into the country as many foreign mercenaries as he thinks proper.

The able author of *Obſervations on the Mutiny Bill, and Uſe and Abuſe*

* *Trenchard and Gordon*, I. 63, 64, 87, 88, 103.
† *Ibid.* I. 26.

of Standing Armies, ſays, "The remark is not the leſs true for being trite, "that every abſolute monarchy and every uſurpation, originally owes its "birth and maintenance to an armed force, well diſciplined, well ter-"rified, or well cajoled." And that "the implements of tyranny, "though kept under the ſtricteſt diſcipline, ſet up for themſelves as "often as they ſee fit, and lodge both ſword and ſceptre in what hands "they pleaſe."—"It is ſcarce an age ago, ſince an army of our own, "raiſed by the parliament, and owning no other head but the parlia-"ment, not only declared for their *General* againſt the parliament, but, "under his direction, turned the parliament out of their own houſe; "cut off the ſacred head of their Sovereign; made Cromwell ſovereign "in his ſtead; became the tools and inſtruments of his tyranny; and, "upon his deceaſe, having impoſed no leſs than ten different ſpecies of "government on the nation, became at laſt the tools and inſtruments of "*Monk*, to reſtore the antient conſtitution; into many of which mea-"ſures they were led *mechanically, by the mere dint of diſcipline*, againſt "their inclination." *

Trenchard, beſides remarking on the ſame events, refers his reader to "the Roman hiſtory, "where he will find, out of twenty-ſix emperors, "ſixteen depoſed and murdered by their own armies; nay, half the "hiſtory of the world is made up," ſays he, "of examples of this "kind:—And what could have been expected otherwiſe from men "of diſſolute and debauched principles, who call themſelves ſoldiers "of fortune; who make murder their profeſſion; and inquire no fur-"ther into the juſtice of the cauſe, than how they ſhall be paid? who "muſt be falſe, rapacious and cruel in their own defence! For having "no other profeſſion or ſubſiſtence to depend upon, they are forced to "ſtir up the ambition of princes, and engage themſelves in perpetual "quarrels, that they may ſhare of the ſpoils they make." †

The teſtimony of *Machiavel* againſt ſuch armies is very deciſive: "Princes, or governors of commonwealths," ſays he, "if they are wiſe "men, will not ſuffer any of their ſubjects or citizens to make war their "only profeſſion. And, a KINGDOM that is well governed, ought to "be ſtill more afraid of ſuch perſons than a commonwealth; becauſe "they are the corrupters of princes, and miniſters of their tyranny."—Again, "Whilſt the Romans continued wiſe and good, they never ſuf-"fered any of their citizens to make war their only employment; and "*Rome* continued free four hundred years, and *Sparta* eight hundred, "though their *citizens were armed* all the while: but many other ſtates "which have been *diſarmed*, have loſt their liberties in leſs than forty "years." ‡

According to *Ferguſon*, the introduction of ſtanding armies is "A FA-TAL REFINEMENT" in the ſyſtem of government. ‖ In the judgment of *Monteſquieu*, England "ſhould have neither ſtrong holds, nor fortreſſes, nor *land forces*;" meaning in the pay of the crown: And we have ſeen the deciſive teſtimony of *Lord Liverpool* againſt a ſoldiery "who have "made war their profeſſion."

Lauderdale, a fit miniſter for ſuch a king as *Charles* II. well underſtood the favourite court maxim of government. *Burnet*, ſpeaking of the in-famous ſervility of the Scotch parliament, ſays, "Another act was looked "on as a *pompous compliment*; and ſo it *paſſed without obſervation, or any* "*oppoſition*. In it they made an offer to the king of an army of twenty

* P. 60. † *Tracts by Trenchard and Gordon*, I. 28.
‡ *Vol.* IV. 21, 26, 27, 38. ‖ *Hiſtory of Civil Society*, Part VI. Sect. 5.

" thouſand foot and two thouſand horſe, to be ready upon ſummons to " march with forty days proviſion into any part of his Majeſty's domi- " nions, to oppoſe invaſions, to ſuppreſs inſurrections, or for any other " cauſe in which his authority, his *power*, or *greatneſs* was concerned. " Nobody dreamt that any uſe was ever to be made of this; yet the *Earl* " *of Lauderdale* had his end in it, to let the king ſee what uſe he might " make of *Scotland*, if he ſhould intend to ſet up arbitrary government " in *England*."—" The *Earl of Lauderdale* valued himſelf upon theſe " acts, as if he had conquered kingdoms by them. He wrote a letter " to the king about it, in which he ſaid all *Scotland* was now in his " power."—" This letter fell into Duke Hamilton's hands ſome years " after; and I had it in my hands for ſome days. It was intended to " found an impeachment upon it, &c." *

To quote *Fletcher* in all he ſays againſt ſtanding mercenary armies would be to write a book. " Whether our enemies ſhall conquer us," ſays he, " is uncertain; but whether ſtanding armies will enſlave us, nei- " ther reaſon nor experience will ſuffer us to doubt." He alſo conſiders ſuch armies as grievouſly burthenſome; their diſſolute manners as the ruin of morals; their influence on the legiſlature, as highly pernicious; and their exiſtence, as a proof that a government, whatever its form, and whatever its original principles, has degenerated into a tyranny. " Who- " ever," ſays he, " is for making the king's power too great or too lit- " tle, is an enemy to the monarchy: But to give him ſtanding armies, " puts his power beyond controul, and conſequently makes him abſolute." And, " I hope," ſays he again, " there is no man ſo weak to think, that " keeping up the army for *a year*, (or for any longer time that the par- " liaments of both nations ſhall have engaged the public faith to make " good all deficiencies of funds granted for their maintenance,) is not the keeping them up FOR EVER!"

Ariſtotle pronounces that, " Thoſe who command the arms in a coun- " try, ARE MASTERS OF THE STATE, and have it in their power to " make what revolutions they pleaſe." † *Burgh*, in his *Political Diſquiſitions*, refers to a great multitude of authors and facts, in ſupport of the ſame important truth. ‡ *Blackſtone* informs us, that THE LAWS AND CONSTITUTION OF THESE KINGDOMS KNOW NO SUCH STATE AS THAT OF A PERPETUAL STANDING SOLDIER, BRED UP TO NO OTHER PROFESSION THAN THAT OF WAR. ‖ And the ſagacious *Hume* pronounces " our ſtanding army a mortal diſtemper in the Britiſh " conſtitution, OF WHICH IT MUST INEVITABLY PERISH," § — The writer truſts NOT: And to the reflection of the reader he ſubmits, on one hand, theſe ſeveral authorities; and, on the other hand, what is ſubmitted in theſe pages, as the only cure as he conceives for this *otherwiſe mortal diſtemper* of his country.

Let me take leave of this conſtellation of lights, by obſerving, that as ſtanding armies and deſpotic power are the cauſes which have kept the nations of Europe in perpetual war — for that is perpetual war which never ceaſes but as the work-worn peaſant ceaſes to labour through exhauſtion, and which again commences with new means, as the refreſhed peaſant returns at early morn to his accuſtomed toil;—as ſtanding armies and deſpotic power are, I ſay, the cauſes of perpetual war, it ought to be the univerſal prayer, that political freedom may be univerſally eſtabliſhed, and ſuch armies univerſally aboliſhed.

* *Hiſtory of his own Times*, 287, 402. † *Polit.* VII. 9. ‡ II. 341.
‖ *Com.* I. 408. § *Eſſays*, II. 376.

It is not even merely from the number at any time of which a ſtanding army conſiſts, we are in danger; but likewiſe from its being a *ſtanding* and *permanent* force, upheld, in the boſom of our freedom, by a law which, to anſwer its purpoſe, muſt neceſſarily be deſpotic, and at variance with the mild and beneficent common law of the land. Such an inſtitution, like a taint in the blood, muſt be the parent of many humours, unfriendly to the health and life of the body politic.

The army is a ſchool, in which our youth take impreſſions, and imbibe ſentiments, that accompany them through life. Whatever other reading may be neglected, the articles of war muſt be diligently ſtudied. Whatever other duties may be forgotten, thoſe of an officer muſt be attended to. In that profeſſion it is every moment's conviction, that an army is diſgraced and ruined, if diſcipline be relaxed; and with every good officer, it is not more a principle of duty, to exact from his inferior a prompt obedience, than a point of honour to yield it to his ſuperior.—Here, then, if impreſſions thus made, and habits of mind thus formed, be not moſt powerfully counteracted, by ſuch reading and reflection as furniſh a counterpoiſe of conſtitutional knowledge, and an ardent love of liberty, we ſee how gentlemen are unhappily betrayed into principles adverſe to freedom; and how unintentionally and unknowingly, they become inſenſibly moulded to the purpoſes of arbitrary ſtateſmen.

Now, when we conſider the faſcinating allurements preſented by a military life, not only to the empty and the idle part of our youth, but to thoſe alſo who have in them the beſt characteriſtics of manhood, we muſt not be ſurpriſed to find in the army, individuals drawn from every family of any rank or conſideration in the kingdom, to be formed to the duties of life, and to all they owe their country, in this dangerous ſeminary.—How widely then muſt the impreſſions of a military education be diſſeminated through the community; and through thoſe claſſes in particular which have the greateſt influence on its deſtiny! And is it not in a great degree from this cauſe, we now ſee in thoſe claſſes far leſs of that high-minded independence, and that bold avowal of a love of liberty, which while the other nations of *Europe* ſo long lay ſunk in ſervitude, once gave the *Engliſh* gentleman ſuch a proud pre-eminence?

In this reaſoning I am again powerfully ſupported by *Lord Liverpool*. "If it were poſſible," ſays he, "to ſuppoſe, that an army, thus modelled "and powerful, could not be induced to defeat, by one haſty blow, the "public-ſpirited labours of ſo many centuries, and it would be even "wiſe in a free people, to rely on their virtue in this particular, may "we not ſtill have reaſon to apprehend, that by the influence and de"pendence of ſo large a body, an intereſt may be created dangerous and "repugnant to the ſpirit of our government, which may direct the legiſ"lature in an improper manner, though it may not at once ſubvert it; "which will operate inſenſibly to our deſtruction; and though leſs vio"lent in its progreſs than the former evil, will be no leſs fatal to the "conſtitution? * Nothing, I imagine, could have rendered the keep"ing up a large army in time of peace, in any degree palatable to the "repreſentatives of the people, but the conſideration that the intereſt "which the officers had in the community, weighed more with them "than their intereſt in that ſervice." —— "But what ſecurity have we "that our army ſhall always be thus officered? That even thoſe at pre"ſent in command, ſhall continue in that command? And that within

* *Lord Hawkeſbury's Diſcourſe, p.* 67.

" the ſhort compaſs of a year, ſoldiers of fortune might not be advan-
" ced in their ſtead? We have no ſuch ſecurity: many a man of birth,
" character and fortune, has already felt the effects of caprice and re-
" ſentment. Who ſhall ſay, what farther changes this rage of diſcipline
" may produce? *Is it not poſſible, that theſe keepers of ours, may come to
" reſemble thoſe of a* SERAGLIO, *and hate the very name of liberty, when
" totally deprived of their own?*" *

But if there lurk in the military code, a miſchief ſo extenſive and ſo deadly, 'tis fit we warned againſt the contagion, ſuch as are endowed with reflection, and have a wiſh, while they fulfil the duties of a ſoldier, not to forget the ſuperior duties of a citizen. Let all ſuch, then, remember, that LOYALTY is fidelity to LOY, or law, and not an abſurd prejudice in favour of any one particular object of the law's protection, to the diſregard of every or any other; and that *military obedience*, when the order is *illegal* or *unconſtitutional*, is ſo far from a *duty*, that it is a *crime*.

When *Colonel Axtel* was tried in the reign of *Charles II.* for having mounted guard on the High Commiſſion Court, which condemned *Charles I.* he pleaded that he only acted as a military man under the parliament, which was then obeyed by the three kindoms; and ſaid, " I " am to ſerve and obey all my ſuperior officers; that is my commiſſion: " *if I do not, I die by the law of war.*" He was anſwered by the court, " you are to obey them in their *juſt* commands; ALL UNJUST COM-" MANDS ARE INVALID:" and he ſuffered death.

On the diſtinction which lawyers, and even the law itſelf, have made, in the way of exception to the univerſality of this principle of law, by admitting that perſons muſt, and indeed ought to obey, a king *de facto*, and by parity of reaſon a parliament *de facto* when the whole power of government is in its hands, the equity of *Axtell's* ſentence and execution have been ſtrongly queſtioned; becauſe it is ſaid, his ſituation under the government *de facto*, ought to have been his ſhield *againſt the vengeance of the government de jure* when the latter regained its power.

But no ſuch argument can juſtify any man to the very government againſt whoſe authority he either gives or executes an illegal command; for if we could juſtify obeying the illegal order of a king, becauſe he is a king; of a miniſter, becauſe he is a miniſter; or of a military commander, becauſe he is a military commander; to reaſon upon principles of law, or to diſtinguiſh between right and wrong, would be ridiculous; and to be a king, a miniſter, or a military commander, would at all times be, to have deſpotic power, and an authority of writing the law with the point of the ſword.

I muſt, however, queſtion the juſtneſs of the diſtinction, and the ſoundneſs of the exception above mentioned; and for the ſame reaſon as I have queſtioned the juſtneſs of that rule in modern war, which teaches us to deſolate a part of our own country, that rule being in like manner in the nature of an exception to a general principle. For this diſtinction in favour of obedience to uſurpation, we are indebted to traitors and tyrants, whoſe uſurpations have ſucceeded, and whoſe *violations of the fundamental principles of civil government* ought to have been effectually reſiſted, inſtead of being ſubmitted to by the people.

When the foundations of civil government ſhall have been once ſecurely laid in true principles; and the people, by the practical performance of their duties, ſhall have been trained to the habits of free men, we ſhall hear no more of governments *de facto* uſurping the power of go-

* *Obſervations on the Mutiny Bill, &c.* 1750. p. 55.

vernments *de jure*. Taking away the terrors and the temptations by which men are perſuaded to obey *illegal commands*, none but governments *de jure* will any where have exiſtence. As unlawful orders carried into execution, are amongſt the firſt ſteps towards the ſubverſion of juſt government and the eſtabliſhment of tyrannies, ſo there is no principle in the whole ſcience of civil government more ſacred, than that of withholding obedience when a command is illegal. The anſwer given to *Axtel* was undoubtedly Engliſh law. Now what ſays the conſtitution?

The regiment in which the late *Earl of Eſſingham* was a captain, during the abominable American war, *for eſtabliſhing taxation where there was no repreſentation*, was ordered upon that ſervice. The honeſt Earl refuſed to ſerve in that unjuſt cauſe, and threw up his commiſſion; aſſigning to the King in a letter which will immortalize him, his reaſons for ſo acting.—Did he or did he not act the part of fidelity to his country? Had ſhe been as honeſtly ſerved by the whole army, that deteſted war had not rent from her thirteen proſperous colonies, covered her with calamity and diſhonour, and left her groaning under a load of taxes which it occaſioned, and which we and our poſterity muſt continue to pay.

His Majeſty, when he had driven from his counſels the adviſers of that war, (as it is to be hoped he will ſpeedily ſerve the authors of the preſent) did juſtice to the integrity of the nobleman I have mentioned: He was appointed maſter of the Mint, and afterwards governor of Jamaica.

But it will be aſked, how is an officer at all times to know whether an order be legal or illegal, conſtitutional or unconſtitutional. It is firſt anſwered, that, in as much as this queſtion is attended with DIFFICULTY, it ſhews *the extreme danger of a ſtanding army*; and farther, that the law requires of no man an impoſſibility. But as the ſole uſe of an army, and that alone for which it is paid, is to *defend the laws and liberties of a nation*; and as the buſineſs of a ſoldier is to deal in blood and in death, ſurely a conſcientious officer ought not limit his legal knowledge to the mutiny act, nor in a ſervice of ſuch high political and moral reſponſibility, neglect to learn that ſublimer part of his duty which will inſtruct him when he ought, regardleſs even of life, firmly to withhold obedience.

It was to this ſublimer ſenſe of duty in the Engliſh army of 1688, we owe the elevation of his preſent Majeſty's family to the throne of theſe kingdoms; and all the other benefits of that happy revolution, which expelled a tyrant and curbed prerogative; and was materially imperfect in *two* reſpects only: in not barring the door of parliament againſt corruption, and in not reviving our ancient ſyſtem of military defence.* On the 20th of November in that year, "moſt of the chief officers ap- "plied themſelves to the Earl of *Feverſham*, their general, deſiring him "to aſſure the King, that upon any occaſion they ſhould be ready to "ſpill their blood in his ſervice, but yet *they could not in conſcience fight* "againſt a prince, who was come over with no other deſign than to pro-

* "One ſtatute, however, whoſe purport was inadequate to the uſes for which it was "intended, remained without amendment; and by its deficiency, rendered that happy ſet- "tlement not fully complete; the militia act, which paſſed the 13th of Charles II. was "in itſelf a vague and ill-concerted ſcheme; and *the deteſtable policy* of that, and a ſubſe- "quent reign, was *to diſarm the people*;" &c. *Lord Hawkeſbury's Diſcourſe*, p. 8. In a ſubſequent ſection will be offered ſome remarks on *the other cauſe* of imperfection in the revolution.

" cure the calling of *a free parliament*, for the ſecuring of their religion " and liberties." *

And ſo long as the imperfections of our government ſhall leave us expoſed to attempts at arbitrary power, it ought ever to be our wiſh, ſuch attempts may be purſued as openly as they were by *James*; for then, there being no difficulty in the caſe, we may truſt that an *Engliſh* army officered by Engliſh gentlemen, themſelves either men of property or connected with the poſſeſſors of all the property of England, will never conſent to enſlave themſelves and their country.

As for any enſnaring profeſſions which might be made by the *French*, of coming to aid us in our reform, he muſt be a deſpicable *Engliſhman* that did not ſpurn at the idea. No: To *England*, liberty cannot be a gift: It muſt reſult from its own virtue and energy, or it cannot exiſt. But is *liberty* the gift which *France*, if ſhe poſſeſſed the power, would beſtow upon that rival, whoſe aſcendant has for centuries rankled in her boſom, now burning with tenfold jealouſy and revenge?

No! —— No! —— No!

SECTION. V.

PERHAPS it has been owing to indiſtinct *ideas of duty*, and to *the difficulty of diſtinguiſhing* between orders that have been legal or illegal, conſtitutional or the reverſe, that the army now in *Ireland* may have been inſtrumental in adding to the miſeries of that hapleſs country; until they have aſſumed appearances the moſt ſhocking, and threaten conſequences the moſt fatal. † When the military are required to take part in the government of a nation, or to carry into execution any thing in the nature of a general puniſhment of a people, it is high time for every gentleman, bearing a commiſſion, to pauſe, and ſeriouſly to inquire what his DUTY and TRUE LOYALTY require at his hands. To him, the difference between executing orders which ſhall be legal or illegal, will be no leſs than the difference between juſtifiable homicide and murder.

This, ſurely, is a diſtinction not to be trifled with; and if experience ſhould ever prove that a military education, ſuch as I have ſpoken of, together with the abſence of legal and conſtitutional knowledge in a ſtanding army, ſhould be ſuch as to prevent this diſtinction being ſeen and acted on; nay, on the contrary, if ſuch an army ſhould almoſt univerſally pay an implicit obedience to orders the moſt illegal, and tending to eſtabliſh arbitrary power, through the medium of terror, of torture, and of ſlaughter, muſt not ſuch facts prove, that, in no poſſible caſe, nor under any pretext whatſoever, ought a ſtanding army to be for one moment tolerated in a free country?

When the king of *France* ordered his army to take off the proteſtants, in the infamous maſſacre of St. Bartholomew, it was a noble anſwer, worthy the gallantry of a true ſoldier and a loyal ſubject, he received from the viſcount *d'Ortez*:—" Sire, I have communicated your Majeſty's " orders to your faithful inhabitants, and to the troops in the garriſon: " I found there good citizens and brave ſoldiers, but not one execu- " tioner. ‡

As it is beyond all queſtion, that TORTURE, in various ſhapes, has

* *Rapin II.* 778.

† This, and what follows on the ſubject of *Ireland*, was written before the commencement of actual civil war. Upon a review of it, the Author does not ſee occaſion to alter it.

‡ *Thuanus, b.* 53. *Sully's Memoirs, I.* 31.

been very extenſively introduced and publickly applied and juſtified in *Ireland*, a fact ſo ſhocking, and big with the moſt dreadful conſequences, muſt not be paſſed over in ſilence.

It had been thought that the practice of TORTURE, originating in the ages of darkneſs, and in the gloom and bitterneſs of an inſane and ſtupid bigotry, when all *Europe* was one ſcene of ignorance and ſuperſtition, had for ever diſappeared ſince reaſon had regained her empire, and truth had illumined the nations of civilized man:—It had been thought that a practice abhorrent to humanity and to nature, which had been chaſed from ſociety by the reſiſtleſs powers of argument, of wit, of ridicule, and touching appeals to the heart, as well as by the common feelings of mankind, could never more have ſhewn its deteſted form or face:—It had been thought that a practice which deſpotiſm itſelf had diſcarded, and of which even a Spaniſh Inquiſition had grown aſhamed and had abandoned, as too infernal to be exerciſed by one human being on another, could never again have ſtained the annals of human ſociety, or brutalized rational beings even in countries where political liberty was unknown:——What, then, muſt be the feelings of Engliſhmen?—what their inward reflections?—when they have ſeen the TORTURE revived under a conſtitution, which, in its true ſpirit, flows with the milk of human kindneſs, and breathes the benign ſpirit of chriſtian charity; and publickly, and in inſtances without number, inflicted on perſons accuſed of no crime; and all this under the government of the ſame chief magiſtrate as preſides over themſelves—the King of *England* and of *Ireland!*

And to what *cauſe* do we owe the reviv[illegible] of the TORTURE?—To what *cauſe* are we to impute this foul and indelible ſtain on the national honour?—To what *cauſe* muſt we attribute the re-appearance on earth, of this progeny of hell?—And to what *cauſe* ſhall we trace up the poſſibility, that gentlemen, and Britiſh officers, ſhould, in this enlightened and poliſhed age, be capable of a practice which is the worſt feature in the character of a ſavage?

The CAUSE, alas! is ſufficiently plain: Diſregarding our conſtitution, in which reſiſtleſs military force is interwoven with perfect political liberty, and equally diſregarding the admonitions of the true politician and the precepts of the philoſopher, the voice of wiſdom, and the call of patriotiſm,—we have prepoſterouſly, and contrary to every maxim in our books, and to the obvious principle of ſelf-preſervation, adopted and introduced into the practice of our government, the deadly engine of a STANDING ARMY.

A STANDING ARMY ever has converted, and ever muſt convert, men into machines. The individuals of a STANDING ARMY, when they receive orders, caſt away the judgment, the moral diſcretion, and the will of rational beings. "*Obedience* with them is the *law* and the "*prophets*; and he that *gives* the order, they think, is the *only* perſon "anſwerable for it."* They are the members of a clock-work, which does, and muſt, obey him who winds it up: they are the minute parts of a great machine, governed by wires, and ſprings, and levers, external to themſelves; and the whole man and moral agent is loſt in the ſoldier. I ſpeak not of *Effinghams*, with minds proof againſt the poiſon of inſtitutions; for if an *Effingham* ſtood almoſt ſingle, in refuſing to draw his ſword againſt his American brethren, the general rule is too dreadfully true: And if the example of the army, in 1688, be a brilliant and a

* *Obſervations on the Mutiny Bill, and Uſe and Abuſe of a Standing Army*, 1750, *p.* 57.

grand exception, be it remembered, that both a ſtanding army and a ſettled ſyſtem of corruption, were then young in this country; and that *James* had not the prudence to diſguiſe his attempts at arbitrary power, nor the cunning to perſuade any party that he was a friend to their liberties. He had unwiſely been even garbling his army, "that he had turned the edge of the tools he ſhould have worked with, by indiſcreetly caſhiering ſeveral proteſtants to make way for papiſts." *

What ſort of an inſtrument of government a ſtanding army would prove, was foreſeen and foretold by *Trenchard* in the reign of King *William*. "If I muſt be a ſlave," ſays he, "it is very indifferent to me who is my maſter; and therefore I ſhall never conſent to be ruled by an army, which is the worſt that the moſt barbarous conqueſt can impoſe upon me." "Nay, in many reſpects, an authorized ſtanding army is far worſe than a foreign invaſion, and a conqueſt from abroad; for there we have a chance for it: But this is a conqueſt in cold blood, which may not be reſiſted; and we loſe the inſeparable right of the conquered, which is to reſcue and deliver themſelves, and throw off the yoke as ſoon as they can." †

When in mixed ſociety, we view the military character detached from the errors and prejudices of education, it is manly, animated, generous, poliſhed, and in a high degree amiable. How deeply, then, is it to be deplored, that a claſs of the community ſo gifted and adorned, ſhould, through an ignorance and a weakneſs, no leſs the objects of a wiſe man's compaſſion than the ignorance and the weakneſs of the bigot or the fanatic, become, in the hands of crafty ſtateſmen, the inſtruments of oppreſſing and enſlaving their fellow men! To *man*, alas, belongs the weakneſs; but it is in the INSTITUTION we find the vice! From *unnatural inſtitutions* and their *creeds*, proceed all the greater miſeries flowing, — 1ſt. from monarchy ‡ with its *right of conqueſt*, its *jure divino*, its ſacred inviolability, and its *ſtanding armies*; — 2dly, from *unbalanced* hereditary ariſtocracy, with its incurable pride; — 3dly, from arrogant and factious oligarchy, with its "*civil diſcretions*;" ‖ — 4thly, from pagan prieſthoods, with their oracles; and a chriſtian papacy with its infallibility; — and, 5thly, from inquiſitions of all kinds, religious, civil, and military, with their authority *over conſcience*: —— Put together, I ſay, theſe five ſources of miſchief, and we have the cauſes of human miſery; compared with which, all other cauſes collected, are as the duſt on the balance.

Againſt *unnatural inſtitutions*, therefore, let mankind be ever on their guard; and let Engliſhmen in particular remember, that a genuine Engliſh conſtitution, *civil* and *military*, is a ſecurity againſt them all! *Ireland*, within the compaſs of a few years, has in a degree ſtrikingly exemplified the different effects of the two different ſyſtems of military defence, which have been the ſubjects of our compariſon. When formerly deprived of her army, taken from her to proſecute a war of tyranny in *America*; feeling her incapacity for defence, ſhe armed a ſmall portion only of her *inhabitancy*, the ever memorable VOLUNTEERS. Under the protection of thoſe few armed citizens, *Ireland* felt a ſenſe of dignity and freedom, and enjoyed an internal content and tranquil-

* *Obſervations on the Mutiny Bill, &c.* 1750, p. 57. See alſo *Trenchard's Hiſtory of Standing Armies*, 1698, p. 36

† *Tracts by Trenchard and Gordon*, I. 20, 40.

‡ Be it remembered that *monarchy* is the deſpotic rule of *one*.

‖ Of which we have the panegyric in *Mr. Burke's Letter to the Sheriffs of Briſtol*, and on which we have a good comment in *Lord Abingdon's Thoughts* on that Letter.

lity, ſuperior to any thing ſhe had ever known, during that revolution of ages which had taken place ſince her firſt annexation to the Engliſh crown. At no time whatever had law in that much-injured country ſo completely maintained its authority, nor the conſtable's ſtaff been ſo irreſiſtible, as within that very period; and under thoſe happy auſpices, the virtue of *Ireland* attempted to crown the glorious work, by a reform of her parliament.

But this attempt coming from the authors of the happineſs already taſted, and ſo neceſſary to ſecure its permanence and extend its bleſſings, was the ſignal for exertion to every dæmon whoſe nature it is to counteract all goodneſs, and whoſe feaſt is human miſery. The virtuous ſtruggled; but the dæmons prevailed: and the tranſient ſunſhine of thoſe few ſhort days of Iriſh happineſs, beſtowed upon her by her volunteers, was inſtantly ſucceeded by clouds, and gloom, and gathering ſtorms. All has ſince been one ungenial winter, dark and diſmal; the troubled elements for ever in fretful agitation or in ſweeping tempeſt; and the unhappy iſland, of liberty and comfort bereft and barren. To give the laſt finiſh to the contraſt, the government of law has of late been ſuperſeded by the government of the ſword; exhibiting to the affectionate eye of *England*, a ſiſter country in the loweſt degradation and in the extreme of miſery, a theatre of vice and licentiouſneſs, and a ſcene of oppreſſion and cruelty; of burnings, raviſhings, and bloodſhed; where *wrongs*, *diſorders*, *military executions*, and the *aſſaſſination* of *magiſtrates*, move round in a horrid circle of cauſe and effect; enough to ſicken the ſoul, and to extort from ſuffering humanity, an univerſal aſſent to the ſentiment of every true patriot, that, FOR NATIONAL LIBERTY NO PRICE IS TOO GREAT!

On the cauſes of Iriſh diſcontent, we hear at leaſt two different accounts: The friends of coercion, and *Mr. Pitt* among the reſt, tell us that that people have much cauſe of *gratitude*, but none of *complaint*; and they accordingly treat diſcontent as criminal. For almoſt a whole nation to expoſe themſelves to the moſt cruel treatment and the greateſt miſery, for the mere ſatisfaction of murmuring without cauſe, were ſomewhat ſingular. But the means of truth, without deſcending to any minutiæ, I conceive to lie in a narrow compaſs.—*Ireland* has the natural bleſſings of a fruitful ſoil, a milder climate than *England*, an admirable ſituation, and excellent harbours for trade. With all theſe advantages, ſhe is to a proverb an example of *poverty*. For ſuch an effect, conſidering the ſpirit of the people, and all other circumſtances, *oppreſſion* is the only adequate cauſe; and to men of information it is the known cauſe. Again: *Ireland* is peopled with a high-ſpirited nation, claiming liberty and the ſame conſtitution as *England*. Theſe are her *rights*; yet her parliamentary repreſentation is ſaid to be even more decayed than that of *England*.—Under theſe circumſtances, the people aſk for *redreſs and for reform*; and in return, they receive, firſt evaſion, then denial and rebuke; and when made angry and diſorderly by ſuch treatment, *fire and ſword*, and military execution.

For ſuch a diſeaſe, I confeſs I ſhould not have thought of applying ſuch remedies; for it is no new obſervation, that although it is utterly "impoſſible to dragoon men into *loyalty*, it is very eaſy to dragoon them "*out of it*;" * and as coercion has multiplied the diſcontents a thouſand fold, the only rational proceeding ſeems now to be, to remove both the remedy and thoſe who preſcribed it.

* *Obſervations on the Mutiny Bill, &c.* 1750, p. 11.

In ſober truth, to behold in office the ſame men, under whoſe adminiſtration *Ireland* has fallen from the ſituation in which ſhe ſtood a few years ago, into her preſent depth of miſery, is a reflection on the very name of government, and the ſevereſt ſatire on the pretenſions of Mr. *Pitt* to political virtue or wiſdom.

One favourite miniſter coſt the crown thirteen flouriſhing colonies; another ſeems in a fair way of throwing away a kingdom of ineſtimable value; and both have, in an uncommon degree, enjoyed *the ſmiles of royalty and the confidence of parliaments.* Are theſe things in the order of human affairs, under a management of ordinary prudence? or, are they manifeſtations of a deadly diſeaſe in the vitals of the ſtate, the dire effects of which no talents, no genius, no exertions of miniſters, can counteract? And what ſo diſeaſed and unnatural as a free government without freedom, and a repreſentative government without repreſentation? Were, indeed, all the talents of all the ſtateſmen who ever preſided over nations, concentred in the mind of a miniſter, he could not make ſuch rotten and ruined machines do their office:—The conſtitution of Man, the laws of Nature, and the moral ſyſtem of the Deity forbid it!

If *Ireland*, under *Mr. Pitt*'s adminiſtration, be worked up to an exceſs of diſcontent, where is the cauſe of ſurprize? Her REPRESENTATION being even a foil to that of *England*, and in moſt other reſpects her treatment being worſe beyond compariſon, ſhe muſt be either deeply diſcontented or ſtupidly inſenſible. To that injured country, as to *England*, *Mr. Pitt* held out the expectation of a reform, for which ſhe anxiouſly wiſhed; but when *Lord Fitzwilliam* was raiſing to the thirſty lip of *Ireland* the healing cup, this miniſter, by a ſtroke characteriſtic of himſelf, daſhed it to the ground.* The race ſince run between diſcontent and coercion is but too well known. If, in the caſe of *France*, we ſaw verified the old adage, that between the priſon and the grave of a king the diſtance is ſmall; ſo, in that of *Ireland*, we have ſeen, that between the ſubverſion of *political liberty* and the eſtabliſhment of *military law*, the diſtance is not great. As hope, long deferred, maketh the heart ſick; ſo reform, long denied, produces firſt indignation, and in time deſpair: And after the ſacrifice of a nation's welfare to the luſts of a few, can that miniſter, who inſtead of the balm of redreſs ſubſtitutes the ſword of coercion, expect from a ſpirited people any thing but reſiſtance?

I may be told, *Ireland* is over-run with conſpiracy and treaſon: But what I have already ſaid will ſhew, that had the people of *Ireland* been really in poſſeſſion, exerciſe, and enjoyment of the rights going with an Engliſh conſtitution, ſuch general conſpiracy and treaſon muſt have been too much out of nature, too foreign to the union of cauſe and effect, to have exiſted. If, however, the people have gone conſiderable lengths in expreſſions and acts of reſiſtance, who, fitting beyond the ſphere of Iriſh feeling and the contagion of Iriſh reſentment, will undertake to meaſure out the exact degree of reſentment a people wronged and irritated ought to ſhew; eſpecially when he recollects, that national ignorance is one of the legitimate children of national oppreſſion?

When the political huſbandman ſows his land with weeds as well as wheat, when with the ſame hand he ſcatters protection and injuſtice, law and oppreſſion, muſt he not, together with the good grain of obedience, reap diſcontents; and with the harveſt his miſmanagement hath ruined, gather alſo anger and oppoſition? And if *Ireland* be the field of the political ſloven, and be really over-run with conſpiracy and treaſon, muſt

* I do not mean to inſinuate, that the reform to have been granted by *Lord Fitzwilliam* was to have been the ſame as that propoſed by *Mr. Grey* in *England*.

not much at leaſt of the blame reſt with thoſe to whoſe management that field has been intruſted? As they have ſown, ſo they now reap: And, ſhocking as is the picture of that unhappy country, there can be no cauſe of its miſeries more viſible to a conſtitutional eye, nor more ſelf-evident to an enlightened underſtanding, than one on which the preachers of coercion chooſe to be ſilent.

Much as any ſpecies of treaſon is to be condemned, and ſtrong as may be the neceſſity of putting it down, we ought never to ſhut our eyes to *original cauſes*; *to thoſe violations of popular and natural right*, which have driven an irritated people to its commiſſion; violations which, although they fall not under the *penalties* of the treaſon laws, are, in their own nature and character, of the very eſſence of treaſon. Who, then, can wonder at the deplorable condition of *Ireland*, who is informed that ſhe too, inſtead of a fair REPRESENTATION, has her BOROUGH FACTION in no reſpect leſs omnipotent than that of *England*? And when the power of ſuch a faction extends to *an actual extinction of the political and natural rights of a nation*, is it not a compound which contains within it the chemical elements of every evil yet known to political philoſophy,—the fixed air of diſcontent, the gas of ſedition, the inflammable vapour of inſurrection, and the phlogiſton of rebellion? 'Tis, in fact, in politics, what *Falſtaff* was in reſpect to wit,—'tis not only treaſonable in itſelf, but it is *the cauſe of treaſon* in other men.

But Mr. *Pitt*, than whom no man has more ſtrongly depicted to us the neceſſity of reform, has, both in *England* and in *Ireland*, ſubmitted to conduct the government in cloſe alliance, or rather in co-partnerſhip, with ſuch a faction. The effects of a ſyſtem ſo horrible unfold themſelves apace; and now only it is, miniſters begin to gather the fruit of all that corrupt intrigue, which ſplit, divided, and finally diſſolved the volunteers; and fruſtrated the virtuous attempts of the Iriſh patriots at a reform of parliament, ſo nobly planned at *Liſburn* and *Dungannon*, in the year 1783, under *Colonel Sharman*; to whom was addreſſed the *Duke of Richmond's* celebrated letter on the ſubject.

To thoſe who may have read the other Eſſays which the writer of this Appeal has publiſhed within the laſt four years, the quotations he is about to repeat may appear tedious; but he truſts they will excuſe the repetition, as of uſe to new readers; nor can they be ſuperfluous to any who are not yet fully impreſſed with the true nature and the deadly effects of a BOROUGH FACTION.——"Treaſon," ſays *Lord Chancellor Somers*, "is a betraying of the ſtate; and the firſt and higheſt treaſon is that "which is committed againſt the CONSTITUTION." And this doctrine is confirmed by *Lord Chief Juſtice Eyre*, on the ſtate trials in 1794, who, ſpeaking of "a deſign to overthrow *the whole government* of the "country," ſays, "this, in all juſt theory of treaſon, is the greateſt of "all treaſons."——If this reaſoning be juſt, then let me aſk, if a borough faction, whether in *England* or in *Ireland*, be not the very ſeed-bed of treaſon?

If repreſentation be an eſſential part of our threefold government, and its very ſoul, take away repreſentation, and you take away, in a legal ſenſe, "the whole GOVERNMENT OF THE COUNTRY," and you commit, in the words of *Lord Somers*, "TREASON AGAINST THE CONSTI-"TUTION," for you deſtroy its very exiſtence. If, therefore, *Ireland* be over-run with treaſons, cauſed and provoked by this "firſt and higheſt "treaſon,"—this "greateſt of all treaſons,"—muſt not at leaſt coercion and reform go hand in hand, if you expect to cure the ſtate malady? —Why *coercion* will not cut both ways, and why one ſet of traitors muſt

hang, while the others be humbly petitioned to deſiſt from their treaſons, the *Chief Juſtice* informs us, when he adds, that "the *ſtatute* of Edward III. by which we are governed, hath not *declared* this," (that is, *this, which in all juſt theory is the greateſt of all treaſons*) "to be treaſon."*

During the adminiſtration of the miniſter's honeſt father, no voice of diſcontent was heard in the land, no ſedition was known, nor did any conſpiracy exiſt,—*except behind the throne:* But if we want a parallel to the miniſtry—I had almoſt ſaid the reign—of the ſon, it muſt be ſought in the dregs of Stuart deſpotiſm,—in that diſgraceful part of Engliſh hiſtory, abounding with plots and conſpiracies, real and pretended, and ſtate proſecutions, which preceded the glorious revolution;—a revolution which, had it not ſucceeded, had been ſtiled a rebellion, and had glutted the ſcaffolds of a tyrant with *England's* beſt blood; and had in that caſe alſo branded the trueſt patriots of the country with the name of traitors.

If, then, the more immediate cauſe of the frightful diſcontents and the horrors of martial law in *Ireland*, be a vicious miniſter, his immediate removal would be a good ſtep towards a reconciliation: And if thoſe powerful perſons who, when they had in contemplation to depoſe the dictator of their own ſetting up, conditionally tendered to *Lord Moira* the reins of government, (and who could be no other than the heads of the borough faction) can behold the preſent diſtractions of *Ireland*, and the very laſt thread to which an unwiſe miniſter has reduced the former cords and cables of connection, and can ſtill ſuffer him madly to proceed until that laſt thread ſhall be ſnapped aſunder; what muſt be the weight of the reſponſibility falling on them for ſuch an event?

If I am to be aſked, Would not *reform*, in the preſent ſtate and temper of *Ireland*, be too bold a meaſure, and fraught with danger?—I muſt in return aſk, What do thoſe men deſerve, who have made every thing dangerous?—Who have made it dangerous even to do juſtice? They have reduced us to the neceſſity of chooſing only the leaſt of two dangers: Coercion is evident madneſs; and in reform alone you have a chance of healing the wounds of *Ireland*, and re-uniting her in ſincerity and affection with this country. But even reform muſt not now be precipitated;—nay, I can admit, that even the power of the ſword, to be uſed defenſively, and merely to prevent a ſubverſion of the conſtitution, until the plan of conciliation could be unfolded, ſhould not be withdrawn:—Shocking conſideration!—A little time muſt be allowed for the ſubſiding of the tempeſt in the Iriſh mind; and for the oil of conciliation to ſmooth and calm her agitated ſoul.

A parliamentary reform in *England*, where no danger could attend the meaſure, ought to take place, not only as right and neceſſary and indiſpenſable in itſelf, but as intrinſically wiſe with a view to *Ireland*. For thus that country could alone have *an earneſt of* complete ſincerity, and *a pledge* of the promiſed bleſſing, in which ſhe could rationally confide.

New miniſters, of known attachment to the cauſe of reform, ſhould have the reins of Iriſh government; wiſe and temperate men ſhould mix with the people, and, in free conſultation with their moſt confidential friends, draw up a ſtatement of real grievances; and, at the ſame time that all violences ſhould be repreſſed with the ſtrong hand of power, a plan of equitable reform ſhould be kept in circulation, until it met with general approbation. Such plan being then ſubmitted to parliament, we may preſume that by this time,—conſidering the ſuppoſed example of

* The reader will be pleaſed not to confound *the individuals of the borough faction* of Ireland with *the Houſe of Commons* of that country.

England, the effects of a conciliating adminiſtration in *Ireland*, and counſels of wiſdom between the cabinets of the two countries, for once more harmonizing them to an effectionate union, on the baſis of a common intereſt; ſolid foundations would be laid for affecting a reform without danger. And when we look to the permanent rivalſhip of *France*, and to what muſt ever be expected to be her future conduct, for ſowing new diſſentions between the ſiſter kingdoms, or weakening the attachment of either people to their own government, we muſt ſee it to be our higheſt wiſdom, that the repreſentation of both *England* and *Ireland* be rendered as completely conſtitutional, and as near abſolute perfection, as poſſible; FOR HEREIN, ALONE, IS OUR SECURITY AGAINST PRINCIPLES WHICH FRANCE WILL NOT CEASE TO INCULCATE, SO LONG AS EQUALITY SHALL REMAIN ONE OF THE PILLARS OF HER OWN CONSTITUTION.— Lords, and marquiſſes, and miniſters, may hold other language; but this is the language of Nature.

I am old enough to have preached in the ſame ſtrain for recovering *America*, when lords and miniſters talked ſo much ruinous nonſenſe in favour of the wiſdom of the dragooning ſyſtem. Of this wiſdom, under an *Engliſh* conſtitution, I never could approve; becauſe it is only to an abſolute *monarchy*, of which deſpotiſm is the principle, and the mercenary ſoldier the legitimate inſtrument, that a dragooning ſyſtem is congenial. In the caſe of *America*, experience did not ſhake the concluſion I drew, and put on record long before the event, that *ſeparation* would be the iſſue, provided the ſyſtem of coercion were adhered to. But mere ſeparation is not all we have to dread from the coercion of *Ireland*: we are abſolutely coercing her into an irreconcilable enemy; to become of courſe an ardent ally, or an humble province, to *France*.

If a miniſter of extraordinary ability and vigour, have that ability and vigour kept in its right courſe, and directed to its proper objects by parliamentary vigilance and controul, the happieſt effects are to be expected; but if a miniſter's good qualities be thoſe only of the head, and not of the heart; and if he enjoy unbounded power, it is but too likely his policy will be the reverſe of wiſdom; for wiſdom properly ſo called, is the policy which ariſes from the diſpoſitions of a good heart aided by the ability of a good head. Now the ſources of illegitimate power, both in *England* and in *Ireland*, being a borough faction, to the intereſt of thoſe factions, and to the luſt of that illegitimate power, an ambitious, unprincipled, and uncontrolled miniſter may be expected to ſacrifice the intereſts of the empire; ſo that, without conciliation and reform, what have we to expect, but that it will be rent aſunder?

And while we are in this moralizing ſtrain, may we not ſay that, perhaps, there is no ſtronger internal evidence of ſome aid from above in the compoſition of the ſcriptures, than that all their various authors agree in this ſentiment,—that a departure from *rectitude* is a departure from *wiſdom*. Dr. *Samuel Clarke*, in the 3d. vol. of his ſermons, has an excellent diſcourſe on this ſubject, taken from theſe words:—"And none of the wicked ſhall underſtand; but the wiſe ſhall underſtand." When a prophet, who was alſo a noble moraliſt and politician, reproved his country for its departure from rectitude;—for its being drunken, though not with wine;—for being under the influence of the ſpirit of deep ſleep, that cloſed its eyes;—that her learned did not read the book delivered to them, ſaying, it is ſealed; nor others, ſaying, we are not learned;—we have an expreſſive picture of the *Engliſh* nation, and of the diſregard paid to *their conſtitution*. But what is the natural conſequence when a nation is ſo infatuated, and ſo acts? What ſays the prophet?—THE WI-

DOM OF THEIR WISE MEN SHALL PERISH. *—And unleſs the wiſdom of our wiſe men had periſhed, ſhould we now behold the miſeries and diſtractions of unhappy *Ireland*?

If in that country the counſels of men, always tyrannical and cruel, are ſtill to prevail; and if now, governed by that fear which is inherent in cruelty, they are rendered as incapable of ſtepping into the paths of equity and conciliation, as they have ever been of ſeeing the wiſdom of ſuch courſes; can we expect any other, than that the portentous danger we all now ſee, may yet grow to a far greater magnitude, and aſſume an aſpect ſtill more threatening? If the Iriſh nation hath not loſt the high-ſpirited character which all hiſtory and all experience have eſtabliſhed, it hath in it materials of much inflammability; which, however ſmothered for the preſent by a military government, muſt inwardly work, and prepare it for ſome terrible exploſion. What ſo likely to produce that exploſion, as the landing of French armies in their country?

And can the Engliſh nation, like unconcerned ſpectators, look on, while men in office, to keep their places, are playing a game ſo deſperate?—Is it not enough that the counſels of ſuch ſtateſmen have been amongſt the leading cauſes of raiſing *France*, from the loweſt ſtate of diſtraction and weakneſs, to her preſent immenſity of power;—a power in which the whole phyſical force of the earth, from the *Mediterranean Sea* to the *German Ocean*, and from the *Rhine* to the *Atlantic*, is not only united under their direction, but brought into a capacity of exerting an energy hitherto unknown? Have not theſe miniſters yet done enough towards our deſtruction, in cauſing ſuch a power to extend its encompaſſing arms on the eaſt almoſt to the mouth of the *Baltic*?† Is *England* to remain ſilent and paſſive, until the ſame miniſters ſhall have provoked its extenſion on the Weſt alſo, even to the North of *Ireland*? Will nothing arouze *Engliſhmen* to a true ſenſe of their danger, until they ſhall ſee French fleets in the ports of *Ireland*, and French and Iriſh armies paſſing over into *Scotland*, and their country pent in on every ſide by the conquering propagators of liberty and equality; and the armies that have given the law to the continent of *Europe*, pouring in upon us at once, from the *Eaſt*, and from the *Weſt*; from the *South*, and even from the *North*? Good God! with ſuch a probability ſtaring us in the face, can we heſitate a moment in beſieging our abuſed Sovereign with unceaſing petitions, until his evil counſellors be driven from his preſence; or in our repreſentations to the legiſlature, until we ſee the three kingdoms harmonized by reform, and rendered impregnable by arms?

If it be obſerved that I judge from *events*, and condemn miniſters becauſe they have been *unfortunate*; I anſwer NO: for full twenty years, it has been the uniform burthen of my many writings, that no miniſter *could* govern the country for its benefit and ſafety, while the groſs violations in the repreſentative part of our conſtitution continued unreformed; and every day's experience has ſtrengthened this conviction. Without a reform, the moſt brilliant ſucceſs in war, ſo far from rendering our country any permanent advantage, would accelerate the final extinction of our liberties; which, unleſs parliament ſhall be ſeized with a fit of ſpontaneous ſelf-reforming virtue, or the people at large ſhall be arouzed from "the influence of the ſpirit of deep ſleep," cannot now be re-eſtab-

* *Iſa. xxix.* 14.

† A N. by E. } wind by compaſs is a fair } Yarmouth.
N. E. } wind from the Texel to } The Humber.
An E. N. E. } } Murray Firth.
E. by N. } } The Orkneys.

ſiſhed on conſtitutional foundations, but through the medium of general diſtreſs and ſevere calamity. The whole tenor of a certain ſtateſman's reaſoning on the ſubject of reformation (while he was a reformer) led to the ſame plain concluſion, reſpecting the *impoſſibility* of beneficial government, while *the very fountain was poiſoned*. His ſubſequent conduct is his condemnation. If he have not been guilty of the moſt conſummate treachery,—if he have not ſacrificed his country to ambition, and the luſt of uncontrolled power, I ſhall be glad to hear his juſtification. A fourteen years miniſterial commerce with ſuch an aſſembly as he himſelf aſſerted to be incompatible with national liberty or good government, cannot be defended on the ſcore of *ignorance*; nor can the plea of *good intention* avail; becauſe that were to reſt his vindication on the want of common ſenſe; whereas, we all ſubſcribe to his uncommon ſhare of ability.

It may be ſaid, 'He did attempt the reform, but found it impracticable.'—I am not convinced either of the attempt, or the impracticability. In ſuch a caſe, *ſpeech* and *attempt* are not ſynonimous words. And recollecting what I do (on information I cannot doubt) reſpecting the *terms* on which he entered into power, the impracticability of the reform is the laſt thing I can credit. But it ought to have been the reaſoning of the ſon of *Chatham*, that, if the reform were impracticable, it was impracticable for an honeſt man to ſerve the king in quality of miniſter. We once had a *William Pitt*, who "would not be reſponſible for meaſures "he was not allowed to guide." How much more then ought an honeſt man to have ſaid, 'I will not govern by a perpetual violation of 'the conſtitution.' But *Mr. Pitt* made his election; and to his own boſom I now appeal, for what his conſcience has there engraven, on the ſubject of that election!

SECTION VI.

AND is it with *Ireland* full in his eye, that Mr. *Wyndham* ſurrounds us with barracks, talks of means to make *the ſoldiery deaf*, and of a "vi-"gour beyond the law;" and has the face to aſſert, that civil war and revolution are *conſequences* of parliamentary reform? Is the preſent condition of *Ireland* the *conſequence* of a reform granted, or a reform denied? And I would alſo aſk this gentleman, who is accounted a cloſe reaſoning logician, how we are to diſtinguiſh a *civil* from a *military* government? becauſe it is a material queſtion to be diſcuſſed in an appeal on the ſubject of our conſtitution at the preſent juncture. I apprehend it can only be by accuracy of *definition*: for ſo it is all diſtinctions in ſcience are eſtabliſhed. How do we diſtinguiſh governments in reſpect of their other characters? Monarchy is defined to be the dominion of *one*; Ariſtocracy, the dominion of the *few*; and Democracy, the dominion of the *people*; and theſe definitions obtain, becauſe they ſhew where, in each of theſe ſpecies of government, the *ultimate power* reſides. It is *that* which gives the government its denomination; which ſtamps on it a character; and which is its moſt important diſtinction.

Now, in reſpect to the queſtion before us, as it is a queſtion of the higheſt political importance, and ſo far as I know, is in a great degree a new queſtion in the ſcience of government, I will endeavour to reſolve it with preciſion and clearneſs. That government, then, which has *not* in its hands *the means* of employing hired ſoldiers who are ſubject to *mi-*

litary law, for inforcing at any time the execution of its ſtatutes or decrees, and whoſe *ultimate* appeal and laſt reſource, for the ſupport and exerciſe of its authority over its own citizens, are in its *civil power* ALONE, is truly and properly a CIVIL GOVERNMENT; becauſe its *ultimate power* reſides in its *common law* and *civil magiſtracy*.

On the contrary, all governments whatever, whether of the monarchical, the ariſtocratical, the democratical, or the mixed form, which have in their hands the means of *ultimately* ſupporting their authority, and inforcing their ſtatutes or decrees, upon their own citizens or ſubjects, by the power of a hired ſoldiery in ſubjection to *military law*, are ſtrictly and unqueſtionably *military* governments; becauſe their *ultimate power* reſides in the *ſtanding army*, or military force. And indeed, if ſuch a government only poſſeſſed, without exerciſing, this military power, ſtill it would be a *military government*; for it is not the exerciſe, but the exiſtence of the power, which determines the queſtion. "No people," ſays *Sir William Jones*, in a paſſage I have a ready quoted, can be really "and ſubſtantially free, whoſe freedom is ſo *precarious*, in the true ſenſe "of the word, as to depend on the protection of the ſoldiery."*. A *Marcus Aurelius*, or an *Antoninus*, although not exerciſing oppreſſion or cruelty, are ſtill deſpots; becauſe their people have no ſufficient fence for their liberties, and the power of being oppreſſive and cruel exiſts in the hands of the emperor. If then a total dormancy of an *exiſting* military power will not exempt a government from the character and denomination of *military*, much leſs can it be allowed this exemption, becauſe of the ſmall comparative *degree* in which it may have reſorted to this odious ſpecies of power, ſince the degree is mere matter of *diſcretion*.

Why have the *degrees* in the exerciſe of military power been different UNDER THE SAME MINISTERS in *England* and *Ireland*? The reaſons are plain. The intereſts of the people of *Ireland* have ever been ſacrificed to an unjuſt and barbarous policy in *Engliſh* miniſters; and that people have accordingly been at all times nearer to beggary and famine than the people of *England*; whence, of courſe, they have been the firſt to alarm their rulers with ſymptoms of ſerious diſcontents; and, in proportion as military ſeverities have added to their miſery and deſpair; ſo, in the wiſdom of their rulers, it has been thought neceſſary, more and more, to ſharpen the military ſcourge, to keep them from breaking out into open rebellion.

Good God! and can Engliſhmen look on without emotion; or without ſeeing, in the faithful mirror of *Ireland*, enough to bring home the ſufferings of the Iriſh people to their own boſoms? After what they ſee, what can they themſelves expect at the hand of any future miniſter, whoſe raſh counſels ſhall have brought thouſands in *England* to beggary and impatience of bad government; and a miniſter who on that account ſhall be ſtung with the conſciouſneſs of being an object of general deteſtation?

Such a miniſter ſtudying, as *Lord North* did, the "*Rules by which a* "*great empire may be reduced to a ſmall one*," having completely loſt *Ireland*, as that predeceſſor loſt *America*, and having at his command an army well inſtructed in his mode of governing, will not fail to call it to his aſſiſtance in *England*, when the buſineſs of government, by reaſon of the diſtreſs HE ſhall have created, ſhall increaſe upon his hands. What, in the natural order of events can prevent ſuch a conſequence, but timely reform;—a reform that ſhall ſave parliament from corruption, and our

* *Inquiry into the Legal Mode of ſuppreſſing Riots*, p. 86.

country from military dominion; to make way for a beneficent polity, truly and alone answering to the definition of CIVIL GOVERNMENT; in which the *civil* magistrate, by means of the common law alone, with the armed community of free men it ever holds in readiness at his call, would be omnipotent?

But a subtle logician may here attempt a distinction, by observing, that so long as *military* corps act under the orders of the *civil* magistrate, the foregoing definition of a *military government* will fall to the ground. No: It is the *ultimate* power which decides the question. If the *civil* magistrate *cannot* execute the law without a *military* force, the military corps, and not the magistrate, is the *ultimate* power. I have already said, the *degree* in which a government resorts to its standing army is mere matter of *discretion*; and that discretion will of course keep pace with the effects produced on the people by the injustice and oppression of their rulers: The moment they have scourged a people into symptoms of resistance, military executions for compelling submission must follow.

We had of late heard much of military violences in *Ireland*, and began to entertain hopes of a change, on seeing the humane orders of *Sir Ralph Abercrombie*, dated Feb. 28, 1798, saying:

"It becomes necessary to recur, and most pointedly to attend, to the "standing orders of the kingdom, which, at the same time that they "direct military assistance to be given at the requisition of the *civil ma-* "*gistrate, positively forbid the troops to act* (but in case of attack) with- "out his *presence and authority*; and the most clear and precise orders "are to be given to the officer commanding the party for this purpose." But on the third day following, the *Secretary of State* issues to *Lieutenant General Lake*, an officer subordinate to *Sir Ralph Abercrombie*, an order as follows, viz. "His Excellency further authorizes you to employ force "against any persons assembled in arms, not legally authorized so to be, "and to disperse all tumultuous assemblies of persons, though they may "not be in arms, *without waiting for the sanction and assistance of the ci-* "*vil authority*, if in *your opinion* the peace of the realm, and the safety "of his Majesty's faithful subjects may be endangered by waiting for "such authority. THOMAS PELHAM."

But as a general of an army that is spread over a whole country, has not the faculty of ubiquity, how is he to act up to the spirit of such instructions, but by delegating *the like discretion* to almost every subordinate officer; especially as the nature of the service requires that the troops be divided into small parties, and particularly when it is a part of the system for the soldiery to live at free quarters? Well might the Poet of Liberty give to *Discretion* the epithet of "*the Fiend!*" (see page 113.) Here, then, we see the fallacy of any distinction such as we have supposed our subtle logician to make, and we recur to our *definition* of a *military government* as the true one.

We have not only a proof of this truth in the conduct of *Charles II.* of pious memory, but of another truth equally serious, that standing armies are not, as some may imagine, only resorted to when the very existence of a state demands it, but, in every government where they have taken root, will in due time be employed on the most ordinary occasions. King *Charles II's* standing army was employed in the west of *Scotland*, in aid of Episcopacy, where *Burnet*, speaking of the zealous presbyterian ministers, who had been commanded by proclamation "to give over "all farther preaching, or serving the cure, and to withdraw from their "parishes immediately," says, "And the military men that lay in the

" country, were ordered to *pull them out of their pulpits, if they ſhould* " *preſume to go on in their functions.*"*

By regular gradations, diſcontents were worked up into a ſpirit of rebellion, which was cruſhed by General *Dalziel* at Pentland Hill: This, of courſe, produced new ſeverities; when, by the influence of *Archbiſhop Sharp*, the *civil* government put one *Maccail* to the torture. " He bore " the torture with great conſtancy; and, either he could ſay nothing, " or he had the firmneſs not to diſcover thoſe who truſted him. Every " man of them could have ſaved his own life, if he would accuſe any " other: But they were all true to their friends; *Maccail*, for all the " pains of the torture, died in a rapture of joy."*

The forces were now ordered to lie in the weſt, the principal theatre of diſcontent, " where Dalziel acted the Muſcovite† too groſſly. He " threatened to ſpit men and to roaſt them; and he killed ſome in cold " blood, or rather in hot blood, for he was then drunk, when he order- " ed one to be hanged, becauſe he would not tell where his father was, " for whom he was in ſearch. When he heard of any that *did not go to* " *church*, he did not trouble himſelf to ſet a fine upon him, but he ſet " as many ſoldiers upon him as ſhould eat him up in a night. By theſe " means all people were ſtruck with ſuch terror, that *they came regularly* " *to church*; and the clergy were ſo delighted with it, that they uſed to " ſpeak of that time as the poets do of the golden age." And this is the account given us by an honeſt biſhop.‡

Reſiſtance, or inſurrection, or rebellion, or what you will, having actually broken out in *Ireland* ſince the foregoing Obſervations were penned, many an unbearded lively enſign, I doubt not, will be ready to maintain, that it juſtifies the previous introduction of military government: But I am appealing to cooler heads and riper judgments. Military dominion being in itſelf " the worſt that the moſt barbarous con- " queſt can impoſe," cannot in any caſe be juſtified, except in the caſe of him who, in the proſecution of a *juſt* war, is maſter of *an enemy's country*. The ruler who puts *his own country* under military dominion, muſt previouſly have *the power of ſo doing*. The *exiſtence* of that power proves, that, prior to its exertion, the ruler was abſolute. It needs no argument to prove, that, where the ruler is abſolute, the people are not free: And where rulers find themſelves poſſeſſed of powers which deprive the people of their rights, and degrade them to the level of brutes, we need not demonſtrate the courſe that ought to be taken.

The unwearied exertions of a vaſt military force having overpowered the inſurgents, *Marquis Cornwallis* has at length relieved the tortured mind of humanity, by a ſpirit of conciliation which does him the higheſt honour; may that ſpirit prove alſo a ſpirit of political wiſdom! It is not the ſword that can cure deep diſcontents; neither is it the ſuperficial policy of mere clemency, by which great political evils are to be removed. The wiſe ſtateſman ſees no merit in deterring miſery from expreſſing its feelings; nor is he flattered by premature panegyrics, from men who neither comprehend the depth of his views, nor have a conception of his virtues.

It is to be hoped that *Marquis Cornwallis* will not overlook the fatal error of the *Marquis of Rockingham*, when he had flattered himſelf with the idea that he had effectually quieted *America*. That noble lord was a well-meaning man, and a prime miniſter; but he was not a ſtateſman.

* *Hiſtory of his own Times*, I. 333. † He had been in the ſervice of the Czar.
‡ *Ibid.* 334.

Employing a ſuperficial policy in a caſe requiring political wiſdom, and temporizing between the claims of parliament and the rights of the American people, the momentary calm produced by his mildneſs was ſoon again blown into a greater ſtorm than ever, by the arbitrary conduct of his ſucceſſors. *England*, in the unjuſt conteſt, laid on herſelf a perpetual annual burthen of *ſix millions* ſterling, and ſacrificed alſo to this extravagance *an hundred thouſand of her ſons*. What was the event? An event which neither a *Rockingham* nor a *North* had ſagacity to foreſee!

In *Lord Rockingham's* DECLARATORY ACT, (a meaſure in which Mr. *Burke* had the folly to boaſt of having had *a full* ſhare) *Lord Cornwallis* may ſee a faint but perceptible pencilling of the unjuſt pretenſions which have teemed with the manifold oppreſſions under which *Ireland* has ſo long groaned. Power in a parliament, *to bind in all caſes whatſoever* a people who are therein repreſented, is a compendium of deſpotiſm; while *Lord Rockingham* was weak enough to think they were mere harmleſs words, that were to lie quiet in the ſtatute book. Having, however, in his "civil diſcretion," and as the head of the *Whigs*, laid down this doctrine as a *principle*, and clothed it in all the majeſty of a *law*, he did not, good man, intend any thing ſo *unprincipled* and *illegal*, as to carry his doctrine into practice: But his *Tory* ſucceſſors (and he had no ſooner laid theſe foundations than he was turned out) thanking him for his *principle* and his *law*, did not fail to play the tyrant till they diſmembered the empire: Let *Lord Cornwallis*, therefore, beware of a ſuperficial or temporizing policy: Called to ſave a kingdom from ruin, and an empire from diſſolution, let him look to the bottom of the grievances of *Ireland*; and, abhorring the wickedneſs of Iriſh faction, whether among the *Ins* or the *Outs*; and ſcorning to be the dupe of treacherous counſels, let him, conſulting the conſtitution, and the eternal principles of juſtice, render to a much-injured people complete redreſs.

And, perhaps, when he ſhall have looked thus deep, he may poſſibly find even amongſt thoſe who are in his hands under charges of High Treaſon, men who can give him information as ſound, and who will offer him counſel as honeſt as any he will meet with in the whole kingdom of *Ireland*; for it cannot have eſcaped his penetration, that amongſt ſuch as have joined, not merely in what is commonly called *oppoſition to government*, but in *oppoſition to oppreſſion*, there have appeared perſons of the beſt underſtandings and the moſt virtuous characters.

A ſtateſman will know, that pardons for rebelling againſt oppreſſion, will not ſink deep into hearts filled with a ſenſe of wrongs; and that oaths of allegiance, as an alternative for being hanged, will prove but feeble bonds of attachment. If the noble Marquis *can* give Ireland her own conſtitution, and have the wiſdom to do it,—ſhe will give to him her bleſſings; and, to England, her hand and her heart.

But when I recollect who ſits at the preſiding helm of the two countries; and when I conſider to whom, as to their Lord Paramount, bow down all borough patrons, my hopes periſh in the bloſſom, and my heart ſinks within me!

Here, then, again, it is for the public once more to judge between the Reformers and the Miniſter: And, ſeriouſly reflecting on the condition of their country, in reſpect of its *Houſe of Commons*; its *ſtanding army*; its *funded debt*; and its multiplying *taxes*;—to conſider whether *liberty* can be preſerved, *property* be ſecured, *taxes* leſſened, or their increaſe prevented, and our *country* defended, on any other principles than on thoſe the writer has laid down. He thinks he has demonſtrated that without legiſlative repreſentation and the general poſſeſſion of arms, na-

tional liberty (in which all the objects of civil government are included) cannot exist. It is no party question; but one that comes home to every man's bosom. It is not urged in favour of this or of that statesman, but is the result of those uniform sentiments of the author, which he has equally maintained, under all administrations, for more than twenty years past, and which his best ideas of public duty teach him to submit with much humility, but great earnestness, to the consideration of his country.

And while *France, Flanders and Holland* are ARMED NATIONS, and now in fact *one Empire bent upon our destruction*, can Englishmen dream that even *peace* can give them security, unless they will take counsel of the great *Alfred*, and resort to the latent energies of their law and constitution, for meeting the new order of things, which has given to *France* such gigantic strength! It was the opinion of *Sir William Temple*, who was no mean statesman, that "the firm conjunction of *France* and *Holland*, either by confederacy, or the submission of the latter, would "prove the nearest approach that ever was made to our ruin and servitude;" * but this statesman then contemplated only an union of *aristocratical Holland* with *monarchical France*; nor foresaw the republican energies that were to attend the union of those two countries, with the accession of *Flanders* and every thing else on this side of the Rhine.

If we are ever to have an end of this war, can peace be obtained without dismantling our ships and disbanding our troops? And if *French* statesmen shall then be actuated by any other principles than those of good faith and a religious regard to justice, what must be our fate, unless we put ourselves in the attitude of a nation that cannot be surprized, nor is to be insulted with impunity?

SECTION VII.

BEFORE the writer closes this Appeal, an impulse he strongly feels must be obeyed. He must address to the consideration of all those in particular, who share in the monopoly of elective power, a few words of serious expostulation. By way of preface, however, he must notice the charge brought against the Reformers by their opponents, of *inflammatory writing*. As well, he thinks, might they condemn the physician for throwing in wine and cordials, and animating spices, when nought else could arrest the deadly progress of corruption, and rekindle the expiring embers of life.

Myself and others, it is most true, have oft, at the bar of the public, exhibited against the parties now particularly addressed, under the general denomination of *the borough faction*, charges the most serious and heavy; amounting to nothing short of having overturned the constitution, and destroyed the liberties of our country. These charges, we say, have been supported by resistless evidence; we affirm, that no contrary evidence either has been, or can be produced; and we maintain, that so conscious are the accused of the truth of our accusation, they dare not even plead to it in a court, consisting chiefly of themselves! The public therefore the judge; and their own consciences the jury; they stand, as we conceive, fully convicted. What remains, then, but that they atone for the past by giving us security for the future; and wipe away the remem-

* Vol. I. 84.

brance of our wrongs by a ſtatute to ſecure our rights! Is this too much to expect at their hands?

Let them, at this awful period, look around to the agitated ſtate of *Europe*; and duly contemplate that mighty current of the human mind to which all artificial reſiſtances are, as it ſhould ſeem, in vain oppoſed; and which nothing can withſtand but the tranquillizing immoveable rampart to which that current tends,—the rampart of REPRESENTATION.

And when the principles of liberty burſt forth in *France*, and ſwept from its baſe the deſpotic throne of its monarch, what was the conduct which the other deſpotic monarchs ought to have obſerved; and what was the conduct they did obſerve?—Warned by what they ſaw, and reſpecting human rights; reviſing their own deſpotiſms, and bowing to this awful diſpenſation of Providence, they ought to have given to their reſpective countries free conſtitutions: This, as the rulers of their fellow men, and as moral agents reſponſible to the Father of mankind, is what they ought to have done.——What they did, has it not aſcended to the throne of Heaven in accuſing groans? And is it not written on earth in characters of blood?——Then let thoſe to whom I now ſpeak, review the ſteps by which the rampart of repreſentation, in our own country, has been treacherouſly deſtroyed, and the public mind deprived of its repoſe! And let them duly reflect on the dreadful reſponſibility reſting on themſelves, for oppoſing the reſtoration of this rampart!

If they can behold and can reflect on all theſe things, without a reſolution to avert, as far as in them lies, the calamities and confuſions in which but too probably the gloomy ſcene may end, it can only be ſaid, the meaſure of their deluſions is full, and to a terrible deſtruction they and their country ſeem devoted! Good God! and can it be amongſt their deluſions, that a parliamentary reform is *dangerous*; and that to ſatisfy the claims of juſtice and freedom, is to involve us in *civil diſſention and ruin*? What! have all things changed their natures?—Are liberty in the people, and uncorrupt counſels in their rulers, the ruin of nations? And fraud, ſlavery, and tyranny, their preſervatives? Or is that great precept of chriſtian benevolence, 'Do unto others as you 'would that others ſhould do unto you,' become a legitimate cauſe of civil war and carnage?

Do the petitioners for reform demand that which is not the people's right?—

Do they demand aught that is inconſiſtent with our conſtitution?—Or do they demand that which claſhes with the right to hereditary privileges?—If they do not aſk for any of theſe things, why are their petitions to create alarm? And if thoſe things for which they do aſk, are THEIR OWN, and eſſential to their *liberty*, is it wiſe or conciliating to refuſe? And when alſo there is ſo much jealouſy of opinions unfavourable to the claims of the privileged orders, will it weaken any ſuch opinions which may exiſt, or will it counteract their increaſe, to let it be ſeen, that no intreaties can prevail with the *crown* and the *peers*, to ſurrender the *two hundred and ſixty-five ſeats* in the Houſe of Commons, on which they have thought proper to lay their uſurping hands?

But ſome of the parties with whom I am now expoſtulating, I know are advocates for reform, and perfectly prepared to ſacrifice their private intereſt to the public good, as ſoon as that perſonal ſacrifice can have its intended effect. If theſe perſons are not remarkably deficient in underſtanding, here is an argument which ought to inſpire others, with more

than a doubt of the propriety of their own conduct. But there are ſome intereſted parties it ſeems, who, at the ſame time that they profeſs to wiſh our repreſentation amended, yet, influenced by the courſe of events in *France*, feel, as they ſay, alarmed at the thoughts of *change*; and profeſs to fear, that if once they give way at all, for ſatisfying the wiſe and the virtuous, other deſcriptions of men will ruſh forward; and then they aſk, "Where is reform to ſtop?"—I anſwer: "Reform would "ſtop, where the government would be reſiſtleſs." It would be reſiſtleſs; becauſe its preſent power, great as it is, would be greatly augmented. By means of the propoſed reforms, it would be much more firmly founded than at preſent in the cuſtoms and the affections of the people; its roots would be much more interwoven with all their intereſts and all their comforts, and its military force would be of tenfold ſtrength.

As touching the conſequences to be expected from reform in *England*, we ſhall look in vain on what has happened in *France*; the caſes being extremely *diſſimilar*. Where there is no ſameneſs of cauſe, there cannot be a ſameneſs of effect. *France* reformed full *two centuries two late*. *England now* is in a ſituation for reforming, infinitely more practicable and ſafe, than *France* at any time ever was; becauſe our conſtitution is at this time more clearly *defined*, and *better underſtood*, than was theirs at any period.

When *France began* reform, monarchical and ariſtocratical deſpotiſm were ſo deep-rooted and inveterate, and had begotten ſuch averſion and antipathy in the people to royalty and nobility, that nothing ſhort of their annihilation could either ſatiate revenge or quiet jealouſy.* With regard to *England*, it is not too much to ſay, that, if encroachment on the part of the crown and nobility, and diſcuſſion among the people, have ſown ſome ſeeds of alienation, the general opinion and attachment is nevertheleſs very ſtrongly in favour of the hereditary orders; and, with equal truth it may be affirmed, that nothing is likely to weaken their hold on the affections of the public, but *their own want of wiſdom and virtue*.

Should, indeed, their injuſtice and infatuation, render them deaf to all admonition; and ſhould their perſevering invaſions of the conſtitution, producing nothing but national oppreſſion and miſery, once beget in the people, a perſuaſion that political liberty could not exiſt in a country which ſuffered the exiſtence of hereditary power, to whom could their abolition be a matter of either ſurpriſe or regret? Let the poſſeſſors, then, of crowns and coronets recollect, that all inſtitutions exiſt only for the good of the people: and let them alſo calculate, how long, in this age of political reaſoning, ſuch things would be likely to ſurvive a conviction in a people, that inſtead of their good, they were their bane!

* "Who had dwelt ſufficiently upon explaining all the ramifications of deſpotiſm, *regal*, *ariſtocratical*, and *eccleſiaſtical*, pervading the whole maſs of the people; reaching, like a circulating fluid, the moſt diſtant capillary tubes of poverty and wretchedneſs! In theſe caſes, the ſufferers are too ignoble to be known; and the maſs too indiſcriminate to be pitied." Again; *the people* "*will always ſuffer much and long* before they are effectually roufed; nothing, therefore, can kindle the flame, but ſuch oppreſſions of ſome claſſes or other in ſociety, as give able men the opportunity of ſeconding the general maſs; diſcontent will ſoon diffuſe itſelf around; and if the government take not warning in time, it is alone anſwerable for all the burnings, and plunderings, and devaſtation, and blood that follow. The true judgment to be formed of the French revolution, muſt ſurely be gained from an attentive conſideration of the evils of the old government; when theſe are well underſtood,—and when the extent and univerſality of the oppreſſion under which the people groaned—*oppreſſion which bore upon them from every quarter*, it will ſcarcely be attempted to be urged, that a revolution was not neceſſary to the welfare of the kingdom." Young's Travels, p. 538.

In *France*, when the ruin of the finances had made reform abſolutely unavoidable, ſo utterly had been all the barriers of freedom long broken down and loſt, and ſo totally were the people devoid of any one conſpicuous rallying point of reform, where a ſafe ſtand could be made, that the nation was toſſed on the ſea of opinion, without compaſs or rudder, and without a ſingle pilot, who knew his way into a port of ſafety; for *no ſuch port was left them.* They accordingly landed on an unknown ſhore; and had to build anew a whole conſtitution. They firſt attempted to erect it with the materials of the demoliſhed deſpotiſm; but the officious interference of the deſpots around, the inſincerity of the king, and the intrigues of the nobility and prieſthood,* together with the ambition of new men, and the phrenzy of a nation, that had ſuddenly broken the chains in which it had been for centuries bound, ſoon ſhook again to the ground a pile which had no natural cement.

In *England*, our ſituation *now*, in the points eſſential to quiet and ſafe *reform*, is totally different from the ſituation of *France* in 1789. Although wide and deſtructive breaches in the grand barrier of our freedom — our REPRESENTATION — have certainly been made, yet this barrier itſelf is by no means loſt ſight of; its decayed remains ſtand in their proper place, viſible to every eye. *The repair of this barrier, as an eſſential of freedom, is all we ſeek*; and the means and mode of repair are perfectly underſtood. Our port of ſafety is full before us, diſtinctly ſeen by every mortal. We have compaſs, and rudder, to keep us ſteadily in our courſe; there is no want of experienced pilots; and we have a ſtrong current in our favour: in ſhort, we have nothing in our way but *a boom of obſtruction*, which the parties with whom I am now expoſtulating, have laid acroſs the harbour's mouth, to oppoſe our entrance.

Although the liberties of *France* had been totally deſtroyed centuries ago; ſince that period, ſhe had not made a ſingle ſtep towards reform: every thing for ages loſt, ſhe had in one ſtruggle every thing to recover.

The liberties of *England*, though oft rudely aſſaulted, had never been deſtroyed. Succeſſive encroachments had produced ſucceſſive ſtruggles, attended with ſucceſſive *reforms* and ſecurities; and the bulk of that grand regeneration, that comprehenſive labour of liberty, of which the reform now called for *is only the laſt finiſh and completion*, was well effected a century ago; by that revolution, which ſtruck the ſceptre from the hand of a tyrant and made LAW ſuperior to royalty, and the ſphere and limit within which alone it can act.

A REVOLUTION, it is clear, has been neceſſary in both countries; and the *lateneſs* of that in *France*, has *cauſed* the abolition of hereditary power, and occaſioned the recovery of liberty to be horridly deformed by acts of cruelty and blood.

The ſtrong impreſſion which ſuch an event in our days has made on the minds of our *alarmiſts*, together with a want of conſtitutional knowledge, and an *inattention to hiſtory and facts*, terrifying them with apprehenſions of an Engliſh revolution *to come*, they have failed to obſerve this plain fact, that the ENGLISH revolution *is paſt*. And, in the flutter of their ſpirits, they have alſo failed to diſtinguiſh, that, in attempting the reform of our *repreſentation*, we are aiming at nothing more than to render complete, in reſpect to the civil branch of our government, *that* revolution; by wholly and finally removing a grievance, felt at that time, and ſpoken of in the Bill of Rights; but ſadly — I will ſay crimi-

* See the *Biographical Anecdotes of the Founders of the French Republic, and of other eminent Characters*, &c. p. 63.

nally—neglected in the progress of the work; notwithstanding the honest remonstrances of Doctor *Samuel Johnson*, privately, to Lord *Devonshire* and others; and publicly, to the two Houses of Parliament themselves, in his *Essay concerning Parliaments at a Certainty*; dedicated to the Barons and Commons of England in Parliament assembled; a work the more entitled to attention, as the author's exertions in favour of his country had brought upon him an attempt at his assassination; and likewise persecution and imprisonment from the deposed tyrant! and as his writings had eminently contributed to the happy change which had taken place in favour of the liberties of *England*.

And, finally, *France* had neglected reform until *the power of controul* in her government was GONE. The finances of the monarchy were dried up; it was unable to extort the supplies necessary to its existence; and the calling in of the *Notables*, and the obsolete *States General*, was, in true effect, the natural death of monarchy, which we must recollect is the government of *one* only. Reform therefore, in *France*, commenced *when her monarchical government was dissolved*. Where, then, is the wonder, that *that government* could not decide, *where reform should stop?*

In *England*, the streams of finance are not *yet* dried up; it is not *yet* become necessary for any new body of men to mix with the legislature, for applying its lost energies by their counsel or their influence; but legislation still preserves its form, of king, lords, and commons, and its coercive power undiminished, and unimpaired, in any degree. If parliament, by its grants, can dispose of above fifty millions in a year of *the people's* money;* if, by its acts, it can lay the property of the nation under new and unheard-of contributions; and if by its statutes, regardless of more than one hundred and thirty thousand actual petitioners, and the great dissatisfaction thence to have been inferred, it could greatly abridge the just liberty of Englishmen; who will affect to doubt of its POWER, *to stop reform at the two points already mentioned*, viz. at the admission of every householder to the rights of representation, and at annual elections?

As the preservation of our Saxon *laws* would necessarily have been the preservation of our *constitution* from that Norman violence and treachery, which laid the foundations of all that this nation has suffered both from prerogative and corruption; I shall here quote the words of *Blackstone*, as applied to what he calls our "juridical constitution"; and observe that, if any of the lines of our proper constitution "are by the length "of time at all obscured or decayed, they may still be with ease restored to their pristine vigour: and that not so much by fanciful alterations and wild experiments (so frequent in this fertile age) as by closely "adhering to the antient plan *concerted by* ALFRED, and perfected by "*Edward* I. and by attending to the spirit, without neglecting the forms, "of their excellent and venerable institutions."†

The reference to *Edward* is the only part of this observation to which I do not wholly subscribe; and I wish to remark, for the benefit of the students of our elegant commentator, that, had he been a better *politician*, he would have been a better *lawyer*: for, rightly to understand the laws of a *free* country, we must first understand its constitution; or we are at sea without a compass. When *Blackstone* says, "the English juridical constitution" was "perfected" by *Edward*, he doubtless goes much

* The army and navy alone must this year exceed thirty millions; to which must be added all expences of *civil* government, and the interest of a debt exceeding four hundred and thirty millions.

† *Com.* III. 60.

too far; as from his own acknowledgments in other parts of his work might be proved. As *magna charta* pruned the luxuriances of the feodal ſyſtem, ſo the laws of *our Juſtinian* ſoftened its nature, and civilized its manners; and that king's laws, as a mere ſyſtem of juriſprudence, certainly had very great merit. But *Edward* by no means "perfected," nor indeed did he even reſtore, "the Engliſh juridical conſtitution concerted by ALFRED," and ſtrengthened by *Edgar* and *Edward the Confeſſor*, as will be ſeen in Section XI. He nevertheleſs, bore his teſtimony to the wiſdom of *Alfred's* ſyſtem, civil and military; for, by the ſtatutes of Wincheſter, paſſed in his 13th year, the *hundreds* were made anſwerable for all felonies and robberies committed within their precincts; all the people were charged to have *arms and armour*; a *view* of arms and armour was to "be made every year two times"; and, for the peace and ſecurity of all great towns, was eſtabliſhed "that great and orderly method of *watch and ward*." †

In the reſerve with which I would acknowledge the merit of *Edward* I. as an amender of Engliſh law, I am well ſupported by a learned prelate, who obſerves, that "*Edward* I. took much pains to eſtabliſh the "credit of the *imperial or civil law*; and to that end engaged the young"er *Accurſius*, the moſt renowned doctor of the age, to come over "into *England*, and ſet up a ſchool of it at Oxford;" † and, had not his partialities leaned this way, would it not have been more natural he ſhould have been called *a ſecond Alfred*, than the *Engliſh Juſtinian*? Nor is it beſide our preſent purpoſe, to continue our quotation a few lines farther. "Or to wave," ſays the writer, "theſe inſtances, let me refer "you to a certain and very remarkable fact, which ſpeaks the ſenſe, not "of this or that king, but of the whole ſucceſſion of our princes: The "imperial law, to this day, obtains altogether in the Courts of Admi"ralty, in the Courts Mareſcall, and in the Univerſities; on the con"trary, in all we call the courts of Law and Equity, it never hath, nor "never could prevail.

SECTION VIII.

BUT ſome of the gentlemen whoſe attention I am now wiſhing to attract, *ſuſpend*, it ſeems, the adoption of *any* reform, out of delicacy forſooth to the reſpective propoſers of it, who are ſaid not to be yet agreed among themſelves, as to the extent to which it ought to go! This, to be ſure, is ſufficiently kind and conſiderate: but is it neceſſary? Is it thus they act, in caſes of taxation, or reſtraint, or coercion? Do they *ſuſpend* a multiplied aſſeſſment, until every pariſh in the metropolis has aſſented to the principle, or agreed to the proper extent of the impoſt? Do they *ſuſpend* their reſtraints on the natural rights of meeting, until all opinions unite, as to the proper meaſure of reſtraint? Or do they *ſuſpend* their deciſion, in favour of tranſportation to Botany Bay, until all parties are agreed, that an indiſcreet word extorted by oppreſſion, or that a verdict againſt evidence, or a ſtretch of Roman law, ought to ſend an Engliſhman ſo far, to waſte his life in exile amongſt felons?

If, amongſt thoſe Reformers who have ſhewn any conſtitutional knowledge on the ſubject (and the ſentiments of ſuch alone I preſume are on ſcientific queſtions to weigh with legiſlators) there remain any differ-

* Gen. IV. 426, and *Statute Book*. † *Hurd's Dialogues*, II. 205.

ences, they are not, I believe, differences on principle, or what is ſtrict conſtitutional rectitude; but mere differences of opinion on the expediency of abating more or leſs, in the claims of ſtrict right, in compliance with the unjuſt pretenſions or the extravagant prejudices of thoſe who oppoſe them. On what party this is truly a ſatire, the reader muſt judge. When our adverſaries affect to compliment ſome reformers, on recommending only *moderate* reform, it is only ſaying, the men they compliment think, in return, ſo ill of *them*, as to believe that only *moderate* juſtice can be obtained at their hands? Moderation in conduct is wiſdom; but moderation in principle is diſhonour; and moderation in juſtice, is injuſtice.

On the above mentioned queſtion of expediency, my ſentiments have uniformly carried me a degree farther than ſome of my brethren, whoſe ſteady virtue entitles them nevertheleſs to my higheſt eſteem, although after the meditations of more than twenty years, I muſt ſtill differ from them, and with far more deciſion of mind than ever, if they ſhall continue to think it more prudent, to propoſe triennial than annual parliaments. My opinion on this point has never varied, and has, from time to time, been ſupported by much argument, which I have thought concluſive, but ſhall not now repeat.* I ſhall only add, that if, in the very infancy of the controverſy on reform, no advocate could ever think of any thing leſs than triennial elections, ſuch a wretched compromiſe in the preſent advanced ſtate of knowledge, would ſeem ill-timed and unneceſſary; and calculated only to damp the ardour, to excite the fears, and to defeat the hopes of all intelligent friends of conſtitutional liberty. Beſides, the adoption of reform cannot *now* depend on the queſtion, whether the plan of it ſhall preſcribe elections once a year, or once in three years. If the dreadful ſituation of our affairs,—if the ſlavery and ruin ſuſpended over us by a thread,—if the threatened extinction of our empire,—and the convulſions in which it would probably expire, cannot arouze us to throw off our corruptions, nor awaken to a ſenſe of duty or humanity, thoſe who are poſſeſſed of the illicit power which has produced all this evil, it muſt be frivolous to think of obtaining their ſuffrage for reform, by preſenting for their acceptance the leſs perfect of the two models.

If once awakened to virtue; if they can once bring themſelves to ſnap aſunder the vile cords of corruption to ſave their country, I muſt perſuade myſelf, the ſame generous feelings would influence them to do the buſineſs well, and to give a decided preference to that reform, which would be moſt congenial with our conſtitution.

But in anſwering as I have done, thoſe alarmiſts who aſk 'Where is 'reform to ſtop?' I have not only conſulted my beſt judgment on the queſtion, but the dictates alſo of common prudence; which convinces me that no reformer, who has the ſmalleſt reputation for a knowledge of the ſubject, would obtain credit for ſincerity, if in his anſwer he ſtopped ſhort of the taxed houſeholder and annual elections; ſince, unleſs reform ſhould go to that extent, it muſt be ſo imperfect there would be no probability of the queſtion being laid to reſt; as I believe it effectually would be, if extended to thoſe boundaries.

Suppoſing, then, reform to be thus complete, and that the taxed houſeholder univerſally bore arms, which is, and ever muſt be, "*the diſtinction* "*between a free man and a ſlave*," from whence is to come this *danger*, of which the advocates for *things as they are*, ſo perpetually tell us?

* See *The Legiſlative Rights of the People Vindicated*; *The People's Barrier*; &c. &c.

How, or by whom, could our tranquillity be disturbed, or the public good forcibly opposed?—Would the advocates for universal suffrage take up arms? If they do not at present venture thus to encounter a government, whose foundations in popular representation are so shallow and decayed as we have seen; would the temptation be increased, when those foundations should be laid so deep, so wide, and so solid, as we have proposed? If they do not take up arms, while they complain of corruption, and feel its continually-increasing effects in their increasing misery; would they feel disposed to make war upon an uncorrupt government, under which they found complete protection?

From what other quarter is this danger to come?—All others without exception, even the householders of the rotteneſt of the rotten boroughs, would poſſeſs and enjoy repreſentation, and conſequently political liberty, in the fulleſt perfection. Is this to make them quarrel with the government? a government reſting on their own rights, their own intereſts, and their own affections; all-powerful to protect and to bleſs, but without any power to wrong or oppreſs them? If ſuch a government would not be free from ſtorms or ſeditions, it is in vain to dream of a good government on this ſide the grave!

Could the diſtempered imagination of the alarmiſt be ſtill haunted by republican ſpectres, hoſtile to hereditary royalty and nobility? If it be ſtill an objection to reform, that there would be amongſt us men of thoſe principles, I ſay, what then? they are at leaſt equalled, if not far outnumbered, by the friends of *jure divino*, and the other extravagancies of deſpotiſm: But ſo long as an Engliſh conſtitution on ſo wide a baſis of freedom, ſhall uphold the hereditary parts of our government, the ſpeculations of ſuch men would be the harmleſs amuſements of their cloſets; for they could not be acted on with the ſmalleſt hopes of ſucceſs, and therefore I preſume would lie dormant in their boſoms.

Such a ſtate of things as we have ſuppoſed, diffuſing general liberty, were obviouſly that which of all others muſt be moſt unfavourable to the views of the *anti-royaliſt* or the *enemy of hereditary nobility*; for nations at eaſe never diſturb themſelves with theories of government, nor favour changes: whereas, on the contrary, nothing in nature could ſo promote a wiſh for change, or ſo effectually recommend to Engliſhmen, doctrines adverſe to the exiſtence of *royalty* and *nobility*, as being doctrines of *ſelf-preſervation*; nor ſo widely and ſo rapidly eſtabliſh amongſt them the principle of *equality*, as being a principle founded in *political prudence*; as if, upon examination, they found themſelves under a Houſe of Commons, which the PEERS and the CROWN, by uſurpation and corruption, had perverted, from being the repreſentative of the people, to a mere inſtrument of pernicious power to themſelves.

If the PEERS do actually command *two hundred and forty-three* ſeats in the Houſe of Commons; and if the CROWN alſo command *twenty-two*, beſides having *one hundred and twenty-nine* members in its pay, (without at preſent noticing the *one hundred and fifty-nine* ſeats, held as *private property* by individual commoners*) where, in God's name, are the "three diſtinct powers of our legiſlature, entirely independent of "each other," of which *Blackſtone* has told us? If theſe things be true;

* Borough property conferring of itſelf *hereditary* ſeats in parliament, effectually alienates its poſſeſſor from the democratical, to attach him to the ariſtocratical intereſt in the ſtate; and the more ſo, as that ſpecies of property is of all others the moſt certain paſſport to a peerage. Amongſt all the writers on the Engliſh conſtitution, wiſe or unwiſe, ſober or extravagant, judicious or fanciful, no one has yet ventured on the abſurdity of ſtating, that the rights of legiſlation in the Houſe of Commons are conſtitutionally *hereditary*.

and if they are to be accompliſhed by a ſyſtem of taxation, ſtriking terror and diſmay through the land, muſt not a change in public opinion, touching the value of royalty and nobility in our ſyſtem of government, be expected to take place? It may be well if, feeding on ſuch combuſtible matter, opinions of that kind do not ſhortly circulate with the celerity of wild fire! Near ſix years ago, I ſaid a good deal to ſhew what progreſs the miniſter had then made in the ſtudy and practice of "*Rules* "*for rooting out royalty and nobility from Great Britain*;" and the ſteps and gradations by which he has ſince proceeded in that courſe, I alſo then foretold with ſome degree of exactneſs, expreſſing, at the ſame time, a ſincere wiſh that the royal and noble perſonages whom it concerns would take warning in time.*

It muſt be left to the conſideration of the reader, whether the dangers I apprehend from the rejection of reform, or thoſe which Mr. *Wyndham* tells us will ariſe from its adoption, are moſt likely to come to paſs. "Mr. *Wyndham* declares, that even *peace* he muſt deprecate, if it were "to be followed by parliamentary reform,—becauſe it would produce "A REVOLUTION."

For a revolution of government, there muſt exiſt a cauſe *adequate* to ſo great an effect; and there muſt alſo exiſt a *diſcontented party* of great *influence* and *power*. Who, then, by ſuch a reform as we propoſe, would be the *chagrined loſers?* Who are to be *diſcontented* at a reform that would reſtore to the nation its conſtitutional liberties? And whom could it *provoke* to draw the revolutionary ſword?—— Let theſe queſtions be anſwered by Mr. *Wyndham*, who aimed to deter us from the purſuit of reform, by foretelling, in terrorem, what muſt be its effects; and who concluded, no doubt, he ſpoke the ſentiments of thoſe borough-holding gentlemen, who conſtitute the ſenate of corruption; as well as of that Heaven-born gentleman who ſits in its throne. Who elſe, beſides theſe perſons, have any thing to *loſe* by reform? To whom elſe can reform give *diſcontent?* Or who elſe have *an intereſt* in reſiſting it, or by its ſucceſs would be *inflamed to anger?* The natural vehemence, therefore, of Mr. *Wyndham's* mind, induced him to conceive, his feelings were their feelings.

I have before ſaid, this is a time to ſpeak plain. I would therefore aſk a few more plain queſtions.

Was this confident prophecy about a revolution that is to *follow* reform, a real *Hiberniciſm;* or only *an intended obſcurity of ſpeech* on a ſubject upon which it was more diſcreet darkly to hint than plainly to ſpeak?—If the ſword be to be uſed in the buſineſs at all, muſt it not be *prior to* reform?—

Does *Mr. Wyndham*, then, mean to inſinuate, ſubſtantial repreſentation never ſhall be obtained by the people, ſo long as the reins of government are in the hands of him and his friends; and that the overthrow of our conſtitution, which has been already ſo far accompliſhed by corruption, ſhall be finiſhed by the ſword?

That in one of this gentleman's friends, over whom the impeachments of an *independent* parliament might be expected to hang, it may have become even *perſonal* prudence to go all lengths, can eaſily be conceived: But if the vindictive temper, and the deſperation of this man, would carry him thus far; the bulk of his followers, we have reaſon to believe, are men in whoſe tempers there is more of ſuavity; and whoſe nerves are not ſtrung for affording them enjoyment in the execution of ſuch deſperate counſels.

* *Letters to the Duke of Newcaſtle*, p. 122.

We perſuade ourſelves, they have minds not devoid of reflection and prudence; and, notwithſtanding the national evils we impute to them, we truſt they have hearts that would yet with horror recoil, if any furious man ſhould ſuggeſt the mad idea of drawing the ſword of civil war in a cauſe ſo unſpeakably wicked, as that of reſorting to carnage and murder, for exterminating the liberties of our country.

And if any *Roberſpiere of England*, deceived by the gloom of his own dark mind, can conſtrue the long-enduring patience of the people into a readineſs to receive a deteſted yoke, we truſt that by a public voice, ſtriking terror to the hearts of the guilty, ſuch an error will ſhortly be corrected! And, we anxiouſly hope, the very numerous bodies of men who, through diſguſt at the obſtinacy with which the claims of juſtice have hitherto been reſiſted, have of late refuſed to join in freſh applications, will ſee the intrinſic wiſdom of perſevering to petition; that ſo, a decided proof of public opinion may ſecure at once parliamentary reform, national ſecurity, and public peace!

Although a change of miniſters, abſtractedly conſidered, be not a meaſure to be put in competition with eſſential conſtitutional reforms; yet there may be ſeaſons, when it ought to have precedency in reſpect of time; not only as a mean of coming at reform, but as a mean alſo of averting the accelerated ruin of an empire. Deep corruptions of a conſtitution, if not reformed, muſt we know, in the end, produce national ruin with *certainty*: But if, in addition to ſuch corruptions, there ſhould be miniſters of tempers extremely arbitrary;—if ſuch miniſters, uſing ſuch corruptions as their means of haſtily eſtabliſhing deſpotic power;—and eſpecially, if having run ſo faſt and ſo far in this courſe, they could neither retreat nor ſtop without perſonal danger; ſuch might be the rapidity with which deſpotiſm might be coming upon a people, in conſequence of the inordinate power of miniſters, the firſt meaſure of ſelf-defence might be their removal.

Whether, with regard to the miniſters of this day, the people of *England* be in ſuch a predicament, the reader muſt judge.

Let him alſo judge, whether the alternative be, or be not, as *Lord Grenville* thought proper to ſtate it, when he declared the determination of himſelf and his colleagues to keep their places *for the very purpoſe of keeping out their opponents*.* —According to his lordſhip, he himſelf and his colleagues were the ſupporters of the conſtitution and the liberties of their country. The proof is,—their obſtinate ſupport of a ſyſtem, of which a *borough faction*, monopolizing for the moſt part the functions of legiſlation, is the grand feature.

According to his lordſhip, again, the parliamentary opponents of miniſters were men diſpoſed to overturn our conſtitution, and deſtroy our liberties. The proof is,—they had ſtrenuouſly contended for a reform of the Houſe of Commons, but were defeated by miniſters and the borough faction; and the moſt diſtinguiſhed of this oppoſition have ſince ſolemnly pledged themſelves, not even to hold any miniſterial office whatever, unleſs a ſubſtantial reform in our repreſentation be effected.

The difference then, *independent of all that relates to the war and to the calamities of taxation*, for directing the choice of the people in reſpect of miniſters, is this,—That the preſent miniſters, acting on *the preſent ſyſtem*, CANNOT PRESERVE OUR CONSTITUTION AND LIBERTIES, IF THEY WOULD; whereas new miniſters, ſtanding on a

* In the debate on the 19th of February, 1798.

substantial parliamentary reform, COULD NOT, IF THEY WOULD, DESTROY THEM.

Such, O people of England, is your alternative! Whatever you may think of men in office, or of men out of office, THINK OF YOURSELVES, and decide!

SECTION IX.

THE writer now feels it a subject of particular congratulation with himself, that he has paused over the publication of this work; and also, that circumstances for a while, contrary to his inclination, caused therein a delay; as it gives him an opportunity of taking some notice of the debate of the 8th of May, upon *Mr. Tierney's* motion for a committee, to consider "in what manner the act of this session of parliament, for "the defence of the country, has been carried into effect in the county "of Surrey."

After composing these sheets, the writer could not have imagined, that ere they should have been corrected for the press, such invincible arguments in support of the principles they unfold, and in confirmation of the intrinsic wisdom of the military system they recommend, could have been furnished by the conduct and doctrines of ministers; and if he had before felt any satisfaction in having drawn up the foregoing observations on the military part of the English constitution, that satisfaction is now greatly increased; because he feels that those observations must furnish a true test for the examination of doctrines, which appear to him not only inconsistent both with the law and constitution of his country, but with every idea of political liberty.—At the same time they will shew, to what a lamentable degree *the purposed neglect* of the military part of our constitution has involved in obscurity the very principles of our government; and how its true foundations, and the only sure basis of our freedom, being once set aside, crafty statesmen are enabled to argue from *the insidious deviations and abuses*, as from legitimate premises, without the fallacy of their reasoning being easily detected.

To do justice to *Mr. Dundas*, I must allow him singular sagacity in catching at the feeble part of an adversary's argument; and no less acuteness, in availing himself of the *false premises*, which the obscurity thrown on our constitution enabled him to assume, and to argue from. *Mr. Tierney's* motion was grounded on *Mr. Dundas's* own act of parliament of the present session; stating, in its preamble, the expediency of his Majesty's being enabled to apply "in *the most expeditious* manner, and with "the *greatest* effect, the *voluntary services* of his loyal subjects for the "defence of the kingdom;" and he, *Mr. Tierney*, had to alledge, that when a body of his constituents, housekeepers in the borough of Southwark, "in the loyalty of their honest hearts did come forward, their "offers were rejected without any reason assigned."

Mr. Tierney, it seems, as chairman of a meeting which had agreed on an armed association and an offer of service, had communicated by letter to the Lord Lieutenant of Surry the said offer, for his Majesty's acceptance; with an expectation that, as in other cases, the offer would of course be accepted, and his Majesty's commissions granted to such officers as the association should elect.

Mr. Tierney accordingly proceeds to comment on this extraordinary proceeding, as contrary to the principle of the bill, and its leading feature; and equally contrary to the duty of the Lord Lieutenant, as tend-

ing to damp the public ardour, and deſtroy unanimity; and as in a particular manner calculated to diſcourage the beſt friends of their country from ſtanding forward in its defence. And he complains of this act of the Lord Lieutenant, " as caſting an odium on thoſe who offered their " ſervices for the defence of their country;" and conſequently as being " cruelly unjuſt" to the parties injured; whom he ſpeaks of, as " a vaſt " proportion of his conſtituents," and " a very large body of men, on " whom there neither was, nor could be caſt any imputation whatever."

Here, let the reader pauſe; and look back to the delineation attempted in theſe pages, of the true conſtitutional military force of his country.

If that delineation be correct, the whole of the ſyſtem at preſent in uſe is a monſtrous farrago, at once inconvenient and miſchievous; and not only big with danger, but alſo with folly and provocation. It is unſound in every part; it has not in it a conſtitutional feature. The neareſt approach to the genuine conſtitution, is the military aſſociation; but even this we ſee is, if poſſible, to be perverted to corrupt and factious purpoſes.

But let us proceed. Miniſters, before the paſſing of the late act, by which *every man* in the kingdom is called on to offer his *ſervices* and propoſe his *terms*, had on foot above *two hundred thouſand* ſoldiers; and *Mr. Dundas*, in this very debate, tells us, he had in his poſſeſſion, offers of ſervice from " a great majority of the nation," who had come to reſolutions, not only of arming againſt invaders, " but alſo of bearing down " and fruſtrating every miſchievous endeavour that might be attempted " by the internal enemy."

Why, then, this wanton inſult of *Mr. Tierney* and his conſtituents, in return for a very early offer of ſerving their country, and wholly at their own expence?—Thoſe who have noticed the debate, and have read with attention this Appeal, will be prepared for the anſwer that muſt be given. —' Becauſe *Mr. Tierney* and his conſtituents are ſteady, conſiſtent friends ' to a reform in our repreſentation:' Now, whether *ſuch men as theſe*, or thoſe whoſe corruptions and oppreſſions have made that reform neceſſary, are truly the INTERNAL ENEMIES of *England*, is for Engliſhmen to determine.

And in this treatment of the people of *Southwark*, I have an earlier confirmation, than I had expected, of the juſtneſs of my remarks on the pretenſions of miniſters and their party to a wiſh for *unanimity*. But they ſtill act with conſiſtency. Finding deluſion favourable to their power, they are not averſe to its operation; nor care how much, or how frequently the paſſions of the public are worked up, in order to prejudice them againſt *the only reform that can ſave public liberty*; and in order to inflame them againſt all who are its advocates. They have, moreover, a particular cauſe of animoſity towards *Mr. Tierney*, which muſt move them to peculiar rancour towards him, above all parliamentary reformers. It was owing to his labour and exertions, as a member of the ſociety of the Friends of the People, that the Borough-faction received the ſevere blow given it by the invaluable petition of 6th of May, 1793, to the Houſe of Commons:—a blow, from the effects of which, that faction, with all its preſent power and arrogance, never can recover; and conſequently it was a blow they never can forgive. Sooner or later, as feeling or reflection ſhall operate on the public, that petition is deſtined to beat down all their ſhameful uſurpations into the duſt.

Mr. Dundas talks very roundly of " whole bodies and ſocieties" of

Engliſh traitors, who ought not to be entruſted with arms. No man can contradict him; but who can believe him? When, on a former occaſion, that cauſe which I truſt is vindicated in this book, was, at all events, if poſſible, to be brought into diſrepute, we heard the ſame things, and we know how they turned out. Miniſters, I ſay, unleſs they reform themſelves, muſt favour the deluſions which are favourable to their power; and conſequently will not be offended at any ſpecies of deception, be the immorality of it what it may, by which unceaſing war is waged upon *parliamentary reform and reformers*. According to miniſterial logic, if any man open his lips on the ſtrides which have been made towards the ruin of our conſtitution, he is *ſeditious*; if an ignorant and illiterate man, in his zeal for promoting what he knows to be right, go one hair's-breadth out of the perplexed and ſometimes inviſible path of law, he is a *traitor*. All this, I ſay, is natural: It is all that is left for ſupporting a rotten cauſe. Knowing that that cauſe muſt be ruined the inſtant reaſon and truth ſhall operate, reaſon and truth of courſe are numbered amongſt its greateſt enemies, and the mercenaries of ſophiſtry and falſehood are ſubſidized to oppoſe and overpower them. If "whole bodies and ſocieties" of Engliſhmen are *known* to *Mr. Dundas* as traitors, muſt he not be very negligent of his duty, to leave them at large? How many of theſe *known* traitors has he ſeized and indicted? If they amount to a leſs number than *four hundred and twenty-four*, who can give him any credit for his diligence? — If miniſters ſhall bring to juſtice any real traitors, they certainly will deſerve praiſe; but I hope we ſhall not again ſee them endeavouring to hang the converts to *Mr. Pitt's* original doctrines, becauſe they cannot lay them down again when that gentleman is pleaſed to adopt a new ſet of principles.

If we are to be any longer tormented and diſgraced with *treaſons*, tell me, *Mr. Dundas*, who are the patrons, the defenders of, and the accomplices in, that paramount iniquity, that wholeſale betraying of the ſtate, that total extinction of our government and conſtitution, which every man, whoſe eyes are open, ſees in the uſurped power of the FOUR HUNDRED AND TWENTY-FOUR! — Tell me, *Mr. Pitt*, who are they who cheriſh, who preſerve, who fortify, and by all the means in their power uphold this monſtrous uſurpation, this deepeſt and deadlieſt treaſon that ever ſtruck at the heart of *England!* — Engliſhmen! for ſhame! Can ſuch things paſs before your eyes in broad day, without obſervation? — Can you behold them without emotion? — Can you approve of cruſhing only the emmets, while the elephants of treaſon, with a proud unconcern, trample on your rights and conſtitution before your face?

Alas! following every man his private occupation, and intent only on the little concerns of ſelf, we trudge along the buſy ſtreet of life, diſcerning only the petty treaſons dragged out of ſhops and coffee houſes; while that which towers over our heads with monumental height, or fills a mountain-ſpace, like London's proud cathedral, we do not perceive! — Have you, my countrymen, loſt the very faculty of looking *upwards*, except only in your adorations? Have you a power only of ſeeing political crimes when committed by the mechanic or the artizan; but none, to diſcern thoſe of the great? What the priſoners now in hold at *Maidſtone* have to anſwer for, I know not: but this I know, it cannot be worſe than that which is committed by every PEER of this realm, who, either by direct uſurpation, or by a corrupt influence, ſeats a ſingle member in your Houſe of Commons!

Can you, Engliſhmen, ſuffer it to be publiſhed in your newſpapers,

that FOUR HUNDRED AND TWENTY-FOUR ſeats in that houſe are *ſo* filled by PEERS and others, and remain ſilent?—How long will you continue to act the *whale*, gazing at the miniſterial tubs of plots and conſpiracies, that your attention may be diverted from this, the only conſpiracy worthy of your thoughts?—It will not, I truſt, be much longer: No; I truſt the time is not far diſtant, when you will do yourſelves ample right. Your preſent animated exertions prove your patriotiſm; and that you are at all times ready to oppoſe your enemies,—*when you know them.* Againſt external enemies you have a reſiſtleſs ſword; and againſt INTERNAL, you have conſtitutional principles as reſiſtleſs, whenever you ſhall reſort to them with energy, and employ them with calm perſeverance.

Can you, MR. PITT, read this page, and conſcience ſtill lie dead within you? Is all that morality, which was your early recommendation to our favour, become extinct?—And has not the eloquence of a *Wilberforce* yet ſhot into your ſoul one ray of real religion?—When you would ſtimulate *us* to war and carnage, you can mouth it about conſcience, morality and religion; but when we call on *you* to keep your word, to fulfil a ſacred pledge, and to do away an atrocious iniquity, on which every conſcientious, moral, or religious man muſt look with the deepeſt melancholy and horror, by a reform which your own unanſwerable reaſonings have demonſtrated to be equally eſſential to the recovery of our conſtitution, the preſervation of our liberties, and the conduct of public affairs with wiſdom and virtue; you anſwer our call by perſecuting the converts to your own doctrines, and by an exertion of your whole influence, as a man and a miniſter, to caſt an odium upon reform and reformers.

I come, in the next place, to ſpeak of the *diſcretionary power* claimed by *Mr. Dundas* for himſelf, as war ſecretary, and for every lord lieutenant of a county under him, in reſpect to thoſe among the people of England, who ſhall, or who ſhall not, be permitted to *bear arms*. Of ſuch a diſcretionary power in a lord lieutenant, or a *Mr. Dundas*, or in even the King himſelf, the conſtitution knows no more than it does of an *Aga*, a *Baſhaw*, or a *Grand Seignior*. But *Mr. Dundas*, with a *dexterity* for which I give him credit, artfully contrives to ſlip in a claim to this diſcretionary power with a claim of the crown to the appointment of all *officers* to military corps; whereas the right to *bear arms*, and the right to *be an officer* of a military corps, ſtand on foundations totally different; and even the latter, upon conſulting the true conſtitution of *England*, and the hiſtory of the Poſſe Comitatus, or power of the county, which *Mr. Dundas*, in the ſpeech introductory of his bill, affected to have done, will not be found to ſtand on royal prerogative. *Lord Liverpool*, who is ſo well-read in the hiſtory of that *power*, or the true Saxon militia, which is the only Engliſh force that ever deſerved the name, or at all correſponded with the conſtitution, can inform *Mr. Dundas* that *all* its officers were *elective* in the county courts by the freeholders of the ſame; of which more hereafter.

But I will return to the diſtinction I wiſh to make, and ſhew that a right to *bear arms* and a right to *be an officer*, ſtand on different foundations.—To *bear arms* is A RIGHT OF NATURE for ſelf-defence, of which no human power (except tyrannically) can diveſt us; and, for that very reaſon, a reaſon completely recognized by our admirable conſtitution, it is alſo A DUTY TO OUR COUNTRY, of which we cannot diveſt ourſelves: Whereas, to hold military *command*, is evidently *a*

truſt, which muſt be delegated to us by ſome power having authority to that end.

If we would but diveſt ourſelves of the wretched prejudices artfully inculcated on us by the inſidious "*policy of the three laſt centuries*," and aſcend for a moment to manly reaſon and to nature, we ſhould ſee that, as every nation has the inherent right of arms-bearing, on the eternal principle of ſelf-defence; and as the rights of a nation are nothing more than the aggregate of the inherent rights of individuals, ſo arms-bearing muſt neceſſarily be a right common to nations and to man; and cannot be ſurrendered without putting our neck under the feet of him, or them, who ſhall arrogate to himſelf, or to themſelves, an excluſive right to hold the ſword.

From this primary right it is, we alſo deduce the ſecondary right of military election of officers, in forces truly national, that is, of the officers of an armed people: for unleſs the people poſſeſſed the power of giving order, regularity, and effect, to their primary right of bearing arms, that right would be nugatory; which would contradict reaſon and the principles of Engliſh law. And when we duly reflect on the ſtrange changes in opinions and in practice, wrought upon us by the treacherous and deteſtable "policy of the three laſt centuries," it is high time that Engliſhmen thought ſeriouſly on theſe important queſtions, ſo flippantly decided by Mr. *Dundas*, in the teeth of the Engliſh conſtitution, of reaſon, and of nature.—And ſuch are the men who hold the reins of Engliſh government, when the ſtate, from its internal corruptions and external danger, is ſhaken to its centre!

But when the ſtream is turned againſt its parent fountain,—when foundations, covered with the moſs of neglect, are loſt ſight of, and a baſeleſs but aſpiring tower of "diſcretion," like another preſumptuous *Babel*, ariſes in our land, confuſion is the conſequence, and we ſpeak with a diverſity of tongues, ſo that no man underſtands his neighbour. The conſtitution is ſimple, plain, and clear: it knows but of one military aſſociation,—that of the whole community. It acknowledges no exceptions: it knows no mean jealouſies: it is not curſed with ſuſpicions; neither does it curſe the community with that deadly poiſon. Its military ſtrength is what our law calls, "the power of the county;" that is, an armed inhabitancy; its means of military action, the organization of that ſtrength.

Where, then, is the need of all theſe modern inventions,—a ſtanding army; a militia under articles of war, permanent and temporary, which is only another immenſe ſtanding army under a different name; yeomen cavalry, under one law; proviſional cavalry, under another; and ſencibles under a third; and now, at laſt, optional aſſociations under an endleſs variety of forms, and encouraged, by an act of parliament, to offer their ſervices on as great a variety of terms and conditions, as either caprice, ignorance, or improper views can ſuggeſt? Can any man find a rational clue to ſuch a military maze, except in the hocus pocus it is neceſſary to play off, in order to perpetuate that *ignorance of the conſtitution* which gave birth to a ſtanding army; which is meant to ſecure its continuance; and from the uſe of which it is hoped we are, by this time, duly prepared for tamely reſigning our right to bear arms to the *diſcretion* of a lord of the bed-chamber?

Had ſuch a diſcretion exiſted in our law or conſtitution, could a *Runnimead* ever have witneſſed a tyrant brought to reaſon? or had a *magna charta* ever recorded the recovery of rights? No; that glorious charter had never been known; or known, and ſtigmatized, and reverſed, only as a fruit of rebellion; inſtead of having been piouſly handed down

as a ſacred law, confirmed by innumerable ſtatutes in ſucceeding times, and venerated as a bulwark of liberty, worthy of admiration to all ages! ——Give but once the power of the ſword into the hand of "the fiend "diſcretion," and then, to talk of liberty would be to talk of a non-entity; for what is it, but enabling the executive power to arm or to diſarm whom it will? Could deſpotiſm deſire more? To bear arms, as *Fletcher* has nobly ſaid, is the diſtinction between a free man and a ſlave; and no truth can be more ſelf-evident, than that *Where the government only is armed, there deſpotiſm is eſtabliſhed.* *

When Mr. *Dundas* talks of "the common law of the land," and "the "ſpirit of the conſtitution," it were to be wiſhed he would not miſrepreſent them. The words imputed to him, as given in the Morning Chronicle of May the 9th, are theſe: "It would not, he believed, be "aſſerted, that any ſubject of the realm ought to take up and bear arms "without the aſſent and authority of the executive government of the "country."—Not knowing theſe to be the exact words uſed by Mr. *Dundas*, I ſhall not comment on the art of blending together two very different ideas with a view to confounding them, but ſimply diſtinguiſh between them.

TO BEAR ARMS, means, 1ſt, *to poſſeſs and uſe arms*, whether it be as a profeſſional ſoldier, or as a private citizen. And, TO TAKE UP ARMS, means, *to make war—to go to war—or for a man to reſort to arms for the purpoſe of war, and put himſelf in a poſture of war, ready for action.*

Now, it will readily be granted, that no Engliſhman can legally *make war, go to war*, or reſort to arms for the purpoſes of *war*, without the aſſent and authority of the executive government; but that no Engliſhman is to *poſſeſs and uſe arms*, without ſuch aſſent and authority, is ſo contrary to the whole ſtream of the common law, to the ſpirit of the conſtitution, to the right of nature, and to reaſon, that it is aſtoniſhing any man can have effrontery enough to affirm it.

"By the law of reaſon, it is lawful to repel force with force; and it "is the right of every one to defend himſelf and his property againſt "unjuſt violence." †

"Man," ſays Mr. *Sharp*, ‡ "being, by nature, a ſocial creature, it "is natural for him to *aſſociate* with his brethren and neighbours, for "common defence againſt all unjuſt violence; and ſuch aſſociation being "juſt and reaſonable, as well as natural, we have not only a right thus "to aſſociate, but are even *bound* to do it, by a branch of *the common "law.*" In the courſe of his ſhort argument he quotes *Cowel, Bracton, Lambard, Forteſcue, Aland, The Mirrour, Bacon, Lord Coke, &c.* And *Lord Coke*, in particular, ſays, EVERY MAN is bound by THE COMMON LAW to "aſſiſt not only the ſheriff in his office for the execution of the "king's writs, (which are the commandments of the king) according to law." ‖ In this paſſage his lordſhip is commenting on the Weſtminſter Primer, cap. 17, which ſays, "when cattle are unlawfully taken and "driven into any caſtle or ſtrong hold, the ſheriff or the bailiff ſhall "take with him THE POWER OF HIS COUNTY, and ſhall endeavour "to make replevin of the cattle from him that hath taken them." And

* *Young's Travels*, p. 350 † *Doctor and Student*, c. 2.

‡ *Tracts concerning the Ancient and only True Legal Means of National Defence by a Free Militia.* The firſt of which Tracts is intitled, "*The ancient* COMMON LAW RIGHT "*of Aſſociating with the Vicinage in every County, Diſtrict, or Town, to ſupport the Civil "Magiſtrate in Maintaining the Peace.*"

‖ 2 Inſt. p. 193.

Mr. Sharp obſerves, " The attack of a caſtle or place of arms muſt re-
" quire diſciplined troops; and therefore it was certainly neceſſary that
" every man, ſo bound by the common law to aſſiſt, ſhould be *trained*
" *to arms*, in order to fulfil his duty." And the learned *Nathaniel Bacon*, in his *Hiſtorical Diſcourſe of the Uniformity of the Government of England*, (1ſt Part, p. 64) remarks, that " the ſtrength conſiſted of *the freemen*;
" and, though many were bound by tenure to follow their lords to the
" wars, and many were volunteers, yet, it ſeems, ALL WERE BOUND
" UPON CALL, under peril of fine, and WERE BOUND TO KEEP ARMS,
" for the preſervation of the kingdom, their lords, and their own per-
" ſons; and *theſe they might neither pawn nor ſell, &c.*"

I might here ſpare myſelf the trouble of any more citations in proof of the *right and duty* of every Engliſhman to bear arms; but as *Sir William Jones* in his ineſtimable little tract, *The Enquiry into the Legal Mode of ſuppreſſing Riots*, has not only placed that doctrine on a rock, but has likewiſe inſtructed all perſons willing to exerciſe that right, and to perform that duty, in what manner they may legally aſſociate and train themſelves to arms, whether it ſhall pleaſe *Mr. Dundas* or not, I ſhall make a few extracts from that work.

" The opinions of the learned, " ſays *Sir William*, " which form the
" ſecond branch of my proofs, can add little weight to *four* caſes of ſuch
" authority as thoſe of *Bedingfield*, *Drayton Baſſet*, *St. John*, and the
" *Caſe of Arms*: Indeed, theſe caſes ſeem to have been the guides of *Lambard* and *Dalton*, *Hale* and *Hawkins*; who all agree, that " it is re-
" ferred to the diſcretion of the ſheriff, under ſheriff, or other perſon
" authoriſed to raiſe the *poſſe*, how many men they will aſſemble, and
" how they ſhall be armed, weaponed, or otherwiſe furniſhed for the
" buſineſs; that *private perſons may arm themſelves* in order to ſuppreſs a
" riot, and that all who attend the juſtices in order to quell a tumult,
" may take with them *ſuch weapons* as ſhall enable them to do it effectu-
" ally; that, laſtly, in executing proceſs, or apprehending rioters, they
" may, by THE COMMON LAW, beat, wound or kill any of the oppo-
" nents or inſurgents who ſhall reſiſt them." *

Again: " And here I may again apply thoſe ſound maxims to which
" I before alluded; I. That *the law requires no impoſſible things*; but it
" is impoſſible to join the *power*, and ſuppreſs a riot effectually, without
" being at leaſt moderately ſkilled in the uſe of fire arms, and ready in
" the common evolutions. II. That *when the law permits or enjoins the*
" *performance of any act, all the means of performing it are alſo permitted or*
" *enjoined*; but the law doth permit and *command* every ſubject of this
" realm TO ARM HIMSELF and uſe his arms with effect for the ſuppreſ-
" ſion of tumults." †

Again: " As to the beſt mode of *reſtoring our laws to their full vigour*
" *and energy*, and of providing for our future defence, I ſhall certainly
" ſubmit it to the diſcretion of my countrymen, who are bound by thoſe
" laws; and I ſhall only ſuggeſt to them the following plan; after pre-
" miſing, in the words of ſerjeant *Hawkins*, " that, although *private*
" *perſons may arm themſelves* in order to ſuppreſs a riot, and may con-
" ſcientiouſly *uſe arms* in the ſuppreſſing of it, if there be a neceſſity for
" their ſo doing; yet it ſeems to be extremely hazardous in *common*
" caſes, leſt, under pretence of keeping the peace, they cauſe a more
" enormous breach of it; and, therefore, ſuch violent methods ſeem

* Page 29, 32.

† See my Reaſoning in Support of an Armed People Electing their own Officers.

" only *proper* againſt *ſuch riots as favour of rebellion*, for the ſuppreſſing " of which no remedies can be too ſevere."

" THE PLAN.

" 1. Let all ſuch perſons in every county of ENGLAND as are in- " cluded in the *power* of that county, and *are of ability to provide them-* " *ſelves with arms*, and pay for learning the uſe of them, be furniſhed " each with his *muſket* and *bayonet*, and their neceſſary appendages.

" 2. Let ſeveral *companies* be formed, in every county, of ſixty men " or more, voluntarily aſſociated for the ſole purpoſe of joining the " power, when legally ſummoned, and with that view, of learning the " proper uſe of their weapons, ſtreet-firing, and the various evolutions " neceſſary in action.

" 3. Let the companies be taught, in the moſt private and orderly " manner, for two or three hours early every morning, until they are " competently ſkilled in the uſe of their arms: let them not, unneceſ- " ſarily, march through ſtreets or high roads, nor make any the leaſt " *military* parade, but conſider themſelves entirely as part of the civil " ſtate.

" 4. Let each member of a company, when he has learned the uſe " of his arms, keep them for the defence of his houſe and perſon, and " be *ready* to join his company in uſing them for the ſuppreſſion of riots, " whenever the ſheriff, or under ſheriff, or peace officer, ſhall raiſe the " power, or there ſhall be a *cry made for weapons to keep the peace*.

" 5. Let the *caution*, prefixed to this plan, be diligently obſerved, " and the law, contained in the preceding cautions, be held ever ſacred: " nor let any *private* perſon preſume to raiſe the power of the county, " which is the province of the ſheriff, under ſheriff, or magiſtrate; al- " though *a cry for weapons to keep the peace* may be made in caſes of " extreme *neceſſity*, and in them only by *private perſons*.

" 6. If any mark of diſtinction in dreſs ſhall be thought expedient, " that the ſeveral companies may know each other, in the forcible ſup- " preſſion of a riot, let ſuch a regulation be ſeverally referred, with any " other rules that may be neceſſary, to a committee choſen out of each " company.

" The great advantages of ſuch aſſociations are ſo apparent, that I " ſhall forbear at *preſent* to expatiate on them; but ſhall be ſatisfied with " applying to them what PULTON ſays of the old tilts and juſts, 'that ' the cauſe, beginning, and end thereof, do tend to the laudable exerciſe ' of true valour and manhood, and to the encouragement and enabling ' of the actors therein to defend the realm and the peace thereof;' † and with obſerving, in " the words of the ſtat. 33 Hen. VIII. c. 6, that ' the muſket may now be made, what the long bow was formerly, ' the ' ſurety, ſafe guard, and continual defence of this realm of *England*, ' and an ineſtimable dread and terror to the enemies of the ſame."

" Objections will certainly be raiſed; for who can propoſe a meaſure, " however ſalutary, to which no one can object? I expect them, how- " ever, chiefly from thoſe whoſe indolence may induce them rather to " ſeek protection from a power able to cruſh them, than to protect them- " ſelves by joining a power provided by free and equal laws; or from

* 1 *Hale H. P.* c. 601. † *De Pace*, 25. b.

" thoſe, who, as MILTON ſays, ' have betaken themſelves to ſtate af-
' fairs with ſouls ſo unprincipled in virtue and true generous breeding,
' that flattery, and courtſhifts, and tyrannous aphoriſms, appear to them
' the higheſt points of wiſdom.' To ſuch men, and to Mr. Dundas in particular, " it will be ſufficient to give this general anſwer; that, *as* " *there is no neceſſity of applying either to the executive, or to the legiſlative* " *power for permiſſion to obey the laws, we are not to debate on vague no-* " *tions of expedience, groundleſs jealouſies, or imaginary conſequences:* the " ſole queſtion is, ' whether the doctrine expounded in theſe pages, *be* ' *law*;' if it be, " there is no room for deliberation, ſince it is a maxim " that *no man muſt think himſelf wiſer than the law*, which is the gathered " wiſdom of many ages; and ſo favourable is the *common* law of ENG-" LAND to the rights of our ſpecies, which it is unhappily become the " faſhion to deride and vilify, that if any man will broach a poſition in " favour of genuine, rational, manly freedom, I will engage to ſupply " him with abundant authorities in ſupport of it."

I now truſt that an Engliſhman's right *to bear arms*, without the permiſſion of *Mr. Dundas*, is fully vindicated. Whenever I hear *Scotch* interpretations of *the Engliſh* conſtitution, I confeſs I have the ſame ſort of feeling about me, that *Junius* ſo ſarcaſtically expreſſes about a Scotch ſmile — it is " an involuntary emotion within myſelf to guard againſt " miſchief." *

If *Mr. Baſtard* ſhould honour theſe pages with his peruſal, perhaps, upon a mature and cloſer conſideration of the queſtion brought forward by *Mr. Tierney*, he may find it was of greater " *magnitude*" than, from a public debate, he perceived; and he may likewiſe diſcover the defects of a ſyſtem of national defence, that could cauſe him to feel a ſenſe of propriety, in tendering to government military ſervices which, if accepted, would, as he acknowledges, have caſt upon him a great weight of " reſponſibility," and have coſt him " ſome thouſand pounds."— The CONSTITUTION requires no ſuch unreaſonable ſacrifices from true patriotiſm: it does not put the ſpur into the ſide of the high mettled ſteed; nor lay heavy burthens upon men of generous natures, ever willing to come forward in the public ſervice. No: it makes benefit and burthen go hand in hand; and lightens the duty of public defence and ſecurity to the noble-minded, by exacting from the ignoble, the ſelfiſh, and the drone, a full performance of their duty.

I ſhall here cloſe my remarks on this debate, by heartily concurring in ſentiment with my excellent friend, *Mr. Martin*, that if, in reſpect of arming or diſarming, lords lieutenants " were to be entruſted with an " arbitrary and uncontrouled power, the liberties of the country would " be at an end."

* There is doubtleſs here a *national* reflection; but it applies only to *the arbitrary national law* of Scotland, borrowed from the Roman code; and to *the deſpotic principles* of men, in whom, not even the principles of *Engliſh* law can cure the vices of early education. For the true friends of human liberty, whether born on the north or the ſouth of Tweed, I truſt I have equal eſteem and affection.

SECTION X.

JUNE 1st.—It was not till this day, *Mr. Dundas*'s circular letters to the Lords Lieutenants of Counties, dated on the 9th and 15th of May, although printed and furnished in great abundance for the use of the Deputy Lieutenants, fell into my hands.*

A passage in the former of these letters strikes too forcibly upon a constitutional ear, to be passed over in silence. It is this:

"It appearing, by well authenticated information, that in some places "within this kingdom, arms, particularly pikes, have been purchased "by persons who are *supposed* to have procured them for *suspicious* pur- "poses; and that, in some instances, these persons have occasionally "trained and *exercised themselves* in the use of arms, without any com- "missions or authority from his Majesty, or any person competent to "give such commissions or authority—I think it right to intimate to "your Grace, that *his Majesty's ministers* have it in contemplation to pro- "pose some measures to parliament, with a view to check such danger- "ous proceedings."—Good God! to what a condition are we brought, when a Secretary of State shall dare to proclaim to the whole kingdom such an intention! When an alleged *suspicion*, that is perfectly ridiculous; and a *charge* of certain mens doing that which, in fact, it is not only the right but the duty of every man to do, and which, at this perilous season, is a proof of his loyalty and of the interest he takes in his country's welfare, is to be the monstrous ground of an act, to seal at one stroke the slavery of the nation! for what were a statute to forbid the use of arms to any but persons licensed by the crown, but a charter of slavery as complete and as perfect as was ever conceived in the brain of a tyrant! There is nothing in English history with which it may be mentioned, but the ignominious CURFEW; at the horrible tolling of which, a wretched, dejected people, instead of tasting abroad the freshness of the evening breeze, or the converse of friends and free men, still more refreshing, were doomed to hide themselves within their melancholy dwellings, without fire, without light, but not without heart-rending reflections on the unspeakable miseries of despotism.

Mr. Dundas, who, on the 9th of May, signed the avowal of the intention of which I have spoken, IS STILL A MINISTER OF THE KING OF ENGLAND!!!

What! is it sheer ignorance of our constitution,—an utter unacquaintance with our books and legal reading, that betrays this minister into such proposals? Or is it a contempt for the principles of our government, a design to subvert it, and a spirit of audacious experiment on the patience of the English people? Patient, indeed, must that people be, when a man who has holden such language, still holds his place as a minister of their country, while they hold their tongues as if nothing were amiss!

No reflecting Englishman who has read with attention these pages, will, I apprehend, be surprized, that there should be men who "have

* Perhaps it may by some be thought, that not sooner to have acquainted myself with such letters, must argue an inattention to public duty. I have only to assure such persons, that, although I have now for nearly ten years been proprietor of, and resided upon, an estate in Lincolnshire of more than a thousand acres, (and not land of low value) I have never heard that my name was inserted in the commission of the peace, or in the roll of Deputy Lieutenants. If my political principles have barred my way to such high honours, I cannot help it: I must e'en content myself with being a plain farmer, and loving and vindicating the constitution for its own sake.

" it in contemplation" to plunge their laſt dagger into the vitals of their country, and to tear up by the roots at one effort the whole conſtitution and common law of the land.—O England! England! England! how art thou fallen! Bright and fervid once ſhone thy ſtar high in the firmament of freedom: Now, alas, with faded luſtre it haſtens to the horizon, and rapidly deſcends to the ſhades of night.—Sets it, O my country, to riſe no more?—Periſh the thought!—Awake! Awake! O men of England! and raiſe the energetic voice of a nation, determined to be free! Reſcue your country and your King from the treacherous machinations of unprincipled men! Expoſe to the father of his people, the deſpicable, the drivelling pretences, under which the foundations of your ſacred freedom and of his throne are openly threatened! Arouze him to a ſenſe of the common danger, when there is ſo much reaſon to ſuſpect that his very cabinet is not free from conſpiracy againſt the conſtitution!*

And to you, ye RUSSELS, and ye PERCYS, I will direct my voice.—Is it true, that your tenders of ſervice, at the head of regiments of your reſpective dependants, have been rejected? And is it true, that this rejection took place after your tenants, in the hope of aiding in the public defence at any rate, had ſubmitted to the degrading condition of being *diſarmed* again at the expiration of the war?†—Was it thus, the RUSSELS and the PERCYS were wont to arm in their country's cauſe!—Can *England* ſuffer herſelf to be reduced to ſo ſervile a condition, that, on the return of peace, her whole antient nobility, and every territorial proprietor, ſhall graze or vegetate amid a diſarmed tenantry, while four or five ſuch men as *Mr. Dundas*, under the denomination of "*government*,"‡ are to have the command of an immenſe ſtanding army to do their will!!!—Good God! by what forgetfulneſs of the true nature of our government,—by what perverſion of language and of intellect,—by what extinction of the principles of our conſtitution,—and by what ſurrender of liberty, and deſertion of manhood, is the *Engliſh* nation to be brought to ſubmit to rank with the human cattle of *Muſcovy*, and to be transferred from owner to owner, like the degraded peaſants of Azof or Aſtracan!

One of the artful means to this end, is the dextrous and myſterious uſe made of the word, "*government*." 'Tis fit, then, we aſcertain its true import, and the different meanings it will with propriety expreſs. By ſtripping the word of its myſtery, it is to be hoped we may diveſt it of the miſchiefs which ſometimes lurk under it. In the Engliſh language, this word, "government," when taken in a political ſenſe, appears to have only one meaning, which can be called ſtrictly literal, perfect and complete; although it have two other ordinary applications, for expreſſing, as it were, degrees of that perfect and complete meaning.

Firſt, then, by "*government*," in the full extent of the word, we expreſs the whole of the judicial and executive power, *virtually* centred in the King, as in a reſervoir or fountain; but *actually* flowing through, and exerciſed by, deputies and repreſentatives in every judicial and executive department, office and ſtation. In this comprehenſive view of "*government*," we not only find the juryman a diſtinguiſhed character,

* *Mr. Dundas*'s words are "his Majeſty's *miniſters*."

† It has been publiſhed in the name of *Mr. Dundas*, that he took upon himſelf to reject theſe ſervices, and in the caſe of the *Duke of Bedford*, with much diſreſpect; giving it as a reaſon, that he could not confidentially correſpond with one who had declared he had no confidence in him. *It is not*, thank God, any part of the conſtitution, that an Engliſhman ſhall have confidence in *Mr. Dundas*; but *it is* a part of the conſtitution, that an Engliſh nobleman and his tenants ſhall arm in defence of their country. The *Duke of Bedford* is not a man to ſuffer ſuch attacks on the conſtitution to paſs unnoticed.

‡ The word "government," when applied to a *miniſtry*, is a mere *figurative* expreſſion,

and the conſtable a conſpicuous officer, as well as the overſeer of the poor and the parochial aſſeſſor neceſſary agents; but we likewiſe ſee *every individual citizen*, in conſequence of the duty and reſponſibility reſting on him, *an undoubted member*. It is his duty, as we have already ſhewn, not only when commanded by the civil magiſtrate, upon cry being made for weapons to keep the peace, perſonally to come forth armed for aiding in the execution of the law; but even, in caſes of extreme urgency, to raiſe that cry himſelf, for keeping the public peace, preventing felonies, or ſuppreſſing riots.

Now, every one knows that the lawful commands of the civil magiſtrate, are, in a legal ſenſe, the commands of the king; every one likewiſe knows, that to keep the peace, is an eſſential branch of the king's executive authority. He, therefore, who is not only at all times bound to be aiding in executing the king's commands, but is even required by his duty, in caſes of high urgency, to take upon himſelf the execution of that which is an eſſential branch of the regal office, rather than it ſhall not be performed at all, is truly and evidently the king's miniſter and aſſiſtant; and conſequently as much *a member of the government*, as a Chief Juſtice, a Lord Chancellor, or a Secretary of State. And herein we diſtinctly ſee, how the Engliſh government, without any figure of ſpeech, is in plain fact and ſober truth, that model of excellence,—that conſummation of political wiſdom,—"A GOVERNMENT OF ALL BY ALL."

Secondly; the word, "*government*," by a very common *figure* of ſpeech, is frequently uſed to denote only *a part of the government*; as when we mean to ſpeak of the king and the principal magiſtracies of the ſtate collectively, we, by the uſe of this figure, call them the *government*.

And thirdly; by the ſame figure, a little more boldly applied, we are apt to denote by the word, "*government*," a ſtill ſmaller part, viz. the miniſtry or cabinet only, excluſively of all other magiſtracies, even of the king himſelf; as when we ſay, it were to be wiſhed his majeſty would change his government.

If the foregoing, then, be the true explanations of the word, *government*, and if arms-bearing be the natural and common law-right and duty of all who can afford to purchaſe arms, how monſtrous the pretenſion, and how tyrannical it would be in practice, if any *four or five men* were to place the ſword of the ſtate excluſively in ſuch hands only as they ſhould pleaſe? And how inevitable muſt be the overthrow of our conſtitution, and the ſubverſion of our liberties, if to ſuch a pretenſion, and ſuch a practice, the nation ſhould ſubmit!

On the whole, it ſeems expedient to ſtate the following propoſitions, as neceſſarily reſulting from the diſcuſſion, viz.

1ſt. By the common law of *England*, every Engliſhman, without exception, is bound, under pain of puniſhment, to obey the civil magiſtrate, for forcibly, and with arms, ſuppreſſing any riot, inſurrection, or invaſion, however formidable the ſame may be, and with whatever weapons the rioters, inſurgents, or invaders may be armed.

2d. By the common law of *England*, every Engliſhman is bound to have at all times in his poſſeſſion the neceſſary arms for the fulfilment of theſe duties, and to habituate himſelf to martial exerciſe, ſo as to uſe ſuch arms with effect.

3d. By the common law of *England*, if the inhabitants of any hundred fail to protect the property of any individual, ſo that it be at any time deſtroyed by rioters, or ſo that between ſun and ſun it be taken from the owner on the high road by robbers and not recovered, ſuch inhabitants of the hundred are conſidered as *criminals*, who have neglected the duty

they owe their country, and a fine is accordingly levied on them, ſufficient to make good to the party injured his whole damage.*

4th. In conformity with theſe principles of common ſuretiſhip and mutual defence, inſeparably intervoven with the common law and immemorial cuſtoms of our country, it had ever been the ſalutary practice of antient parliaments, *until the fatal innovation of ſtanding armies*, to cooperate with the common law by ſuitable ſtatutes for varying, from time to time, the armour and the arms of the people, accordingly as ſucceſſive inventions in the art of war made ſuch variations neceſſary.

5th. As, by a right arming of the people, according to the common law of the land, all PROPERTY muſt be preſerved in perfect ſecurity; and as it is alone through a neglect of this duty that rioters or inſurgents can ever have power to deſtroy property, or to diſturb the public tranquillity; ſo all perſons of property, who have alſo moſt intereſt in preſerving the public peace, are peculiarly inexcuſable, if they neglect to arm and to train themſelves to the uſe of arms.

6th. Had only the taxed houſeholders of *England* been properly provided with, and trained to the uſe of arms, not one of thoſe very numerous and diſgraceful riots which have diſhonoured our nation in the preſent reign, outraged our law, violated the public tranquillity, and cauſed not only a vaſt deſtruction of property, but the effuſion of human blood, could poſſibly have taken place.

7th. Satutes for giving effect to the common law of the land, by cauſing all taxed houſeholders, and a competent number of other proper perſons, (without any party or factious diſtinctions, tending to ſow diſſentions) to become an active militia; and for organizing and regulating ſuch militia; would accord with, and are wanting to the true ſpirit of, the Engliſh conſtitution; and ſuch a conſtitution brought into activity by ſuch ſtatutes would be the beſt means yet diſcovered by human wiſdom, of providing for the peace and ſecurity of the country, againſt all its enemies, external or internal.

8th. and laſtly; Any miniſter of the crown, who, either by falſe repreſentations of the law or conſtitution, or by intimidation, or illegal orders and inſtructions to other magiſtrates or officers of the crown, or who by otherwiſe abuſing the power entruſted to him, ſhall not only ſow diſſentions and create diviſions amongſt the people, and fill them with unfounded and ſcandalous jealouſies and ſuſpicions one of another, but ſhall wickedly counteract and defeat any of the taxed houſeholders or other proper perſons of this realm, from fulfilling the duty of arming in defence of our laws and liberties, and the public peace and ſecurity, will be an enemy to his country.

Ere I have been able to communicate with the printer, by whoſe agency I am to lay before the public what I had written on one extraordinary meaſure, ſtriking at the eſſential diſtinctions between a militia and a ſtanding army, another meaſure—and of a magnitude ſurpaſſing all that has gone before it—is carried into execution. A ſtrong detachment of *the militia* of ENGLAND is become a part of *the army* of IRELAND!!! This, as argued by miniſters and ſet forth in the preamble of the act, is for *national defence*. By the ſame reaſoning, our militia may be ſent to FRANCE, or to GERMANY:—and why not to ST. DOMINGO? *Mr. Wyndham* has very recently told us, (and it is a common military maxim, founded on the ſame falſe principle as the maxim of a

* As in the caſes of Birmingham, in 1791, London in 1780, and a great variety of others in the preſent reign.

nation's practising self-desolation) that *offensive* war is the best *defensive* system: and hence he may very logically shew the policy of employing the *English militia* in the conquest of a *West India Island*.

But in the present case there is, we are told, more than mere *policy*; there is, it seems, *necessity*.——Aye? whence I pray arises this necessity? Is not the constitution of *Ireland* a counterpart of that of *England*? If so, *representation* must be its principle; and its constitutional security must be *an armed inhabitancy*. So reasoned the ever memorable and truly patriot volunteers, when they armed for defence of their country, and petitioned for a reformation of parliament. Had the prayer of these virtuous petitioners been granted, and their noble example been sanctioned and rendered general through the country, we should not now have been reduced to the *necessity* of conquering *Ireland*. Who, then, has brought on this *necessity*? Whoever they are, they ought to be called to a severe account.

A strong detachment of the *English militia* becoming a part of the *army of Ireland*, cannot fail to make a deep impression on the minds of the nobility and country gentlemen of *England*; who will not fail both to scrutinize into the *causes* of the necessity, and into the *means* whereby ministers get over all the obstacles to such a measure without so much as a stumble or a check. Had the writer of this Appeal hired even the pen of a *Burke* to have written a panegyric on the military system of *Alfred* unfolded in these pages, all its eloquence must have fallen short of the event under consideration, which must speak to the heart of every reflecting Englishmen.—Let them look back to the conduct and the petitions of the Irish volunteers;—let them reflect on the principles of the English and Irish constitutions;—and then let them ruminate over the horrid scene now before their eyes in IRELAND!—But without overlooking their *prospects* in ENGLAND also, if the same ministers and the same system are to remain.

SECTION XI.

WISHING the admirers of mercenary armies to avail themselves of every argument that can be found to favour their adoption, I would not hide from them, that a writer whom I have frequently quoted in support of the antient foundations of English liberty, and of whose assistance they may be very proud, has, from a train of historical facts, and from the political circumstances of our country in modern times, actually argued himself, as it should seem, into a persuasion, that '*a standing army* '*is become a part of our constitution.*'

Of this writer's great learning I shall say nothing; because a load of mere learning neither bespeaks genius, nor confers judgment; but that a man of a penetrating, a reasoning, and a feeling mind, should appear to have argued himself into the persuasion I have mentioned, does, I confess, surprize me not a little; especially as, from the nature of his inquiries, I should as soon have expected he would have discovered the Inquisition to have been "a part of the English constitution;" or despotism and torture a part of christianity. The author alluded to is *Gilbert Stuart, LL.D.* and the work, his *View of Society in Europe, in its Progress from Rudeness to Refinement.**

To my apprehension it is sufficiently plain, that this learned and inge-

* Second Edit. London, 1782.

nious man has split upon the same rock, and through the same cause of error, as *Blackstone* had done before him, when the latter argued himself into those strange persuasions I have noticed in the course of these pages; that the septennial act improved our liberties; that parliament possesses an absolute despotic power; that it can at its pleasure change the constitution, &c. &c. The Doctor, like the commentator, being a lawyer, and accustomed to attribute every thing to law, has fallen even into a more palpable error than that of his learned brother of the black gown; for, in respect of things enacted by parliament, *Blackstone* has only imagined those to have become "a part of our constitution," which have evidently been intended as permanent; whereas *Stuart*, by calling a standing army, to which parliament has never yet dared to give more than a single year's existence at a time, "a part of our constitution," falls into an error too gross to mislead the most unwary.—*Blackstone*, in mistaking the offspring for the progenitor, had at least this excuse, that the offspring had the appearance of full growth and maturity; whereas, in the error of *Stuart*, we see a very baby, too diseased to live to a second year, unaccountably mistaken for its parent.

But let us attend to the reasoning which has imposed on the Doctor's own understanding. He reasons thus: "The invention of cannon and "fire arms had changed the art of war.* Movements, evolutions, and "exercises, were not to be acquired to perfection by any militia,† or "even by mercenaries, who were hired for a season, and dismissed at "the close of a campaign. Other nations were possessed of standing "armies,‡ and of these the force was not to be opposed by troops *less* "regular and *less* disciplined.‖ Self-preservation, and the necessity of "attending to the balance of power in Europe, pointed irresistibly to "this establishment.§ Its dangers, notwithstanding, were great, and "might be fatal to the prince who should attempt it.

* As an argument in favour of *a standing army*, he might as well have observed, that *changes* had taken place in the people's language, or the cut of their clothes.

† Not a syllable of truth in this supposition.

‡ Which the Doctor himself proves to have destroyed their liberties.

‖ The learned gentleman forgets his Greek and Latin, and that the most perfect discipline was acquired by the militias of antiquity. He might also have known, that even the *native* armies of modern Prussia were kept together but two months in a year during peace.

§ The *self-preservation* here spoken of, was that of the *despot*, not of the *nation*; and, as to the *balance of power*, a nation completely armed (unless comparatively small in an extreme) is not to be conquered by any standing army.

Why, in God's name, all this wretched sophistry in vindication of standing armies, which, wherever they have been introduced, have borne no other fruit than human slavery, poverty, depopulation, and misery? Opposing nature, which is man's guide to liberty and happiness; counteracting the beneficence of the Deity, and impiously cancelling his very charters of freedom to man; the whole policy of them is truly infernal, and ought to meet with universal reprobation.

If the *balance of power* between *nations* truly influenced the prince of a small territory, he ought to give complete political liberty and arms to his people; and then the whole nation being its own army of defence, and the country invulnerable, the prince's power would *balance* against that of a prince who governed a large country of slaves, and had none he dared trust with arms but his hired mercenaries.

The *weaker* nations being those who seek the *balance*, here, then, is its first and fundamental principle. The grand mean is thus *internal*; and the *external* mean, is an union of state with state, in alliance: Here, all is natural, self evident, just, and intrinsically wise: but to talk of national *self-preservation and the balance of power*, POINTING IRRESISTIBLY *to the establishment of* STANDING ARMIES, is to teach nothing but that at which nature revolts with horror; that which is the grossest political absurdity; and that which is in itself not only wicked in the extreme, but which opens the flood gates of licentiousness and profligacy, and is the certain forerunner of slavery and degradation.

" Invited, or rather *compelled, by conſiderations the moſt powerful,* " CHARLES II. made the experiment. He ventured to maintain by his " private authority, a ſtanding force of five thouſand ſoldiery, for guards " and garriſons. The jealous ſpirit of the people was alarmed. A mea- " ſure ſo unconſtitutional excited fears and apprehenſions, which behoved " to be conſulted. Yet JAMES II. did not ſcruple to augment the ſtand- " ing force to 30,000 men, whom he ſupported from his own *civil liſt.* " The nation was on the brink of a precipice. The revolution ap- " proached. The bill of rights declared, that the ſovereign was not to " raiſe or uphold a ſtanding force in times of peace, without the conſent " of parliament. And the matured experience of ſucceeding times, em- " ployed itſelf to deviſe the policy which was to make our army regular " and formidable, with the leaſt poſſible inconvenience to liberty.

" A ſtanding body of troops, as abſolutely neceſſary, is kept up un- " der the command of the crown, but by the authority of the legiſlature. " The power of an act of parliament gives every year its continuance to " our army; and any branch of the legiſlature may annually put a pe- " riod to its exiſtence, by objecting to it. The dangers of a ſtanding " force are thus prevented; its advantages are ſecured; and the ſoldiery " *not living in camps, but intermingled with the people,* are taught, while " they reſpect the crown, to feel for the intereſts and proſperity of the " nation.* With theſe ſlow degrees, and with theſe ſymptoms of jea- " louſy, did a ſtanding army become *a part of our conſtitution.*" (p. 138.)

On this curious piece of reaſoning, I muſt poſtpone ſome of my obſervations until ſome notice has been taken of what precedes it. *Mr. Stuart* had previouſly remarked, that early in the reign of Charles II. " a ſtatute of infinite utility gave a mortal blow to the military tenures. " The ſyſtem of *fiefs*, ſo beneficial in one period, and ſo deſtructive in " another, was overturned. The feudal ſtrength, or *militia of England,* " after languiſhing for ages in diſeaſe and weakneſs, received the wound " of which it periſhed. *In its place* a ſtanding army was *expedient,* and " could *alone* correſpond with the *majeſty of the people* and *the dignity of* " *the crown!!!*" (138)—Now, this reaſoning, in one ſo well-read on the ſubject, is utterly inexcuſable; and the link, by which the author attempts to connect the premiſes with the concluſion, being ſpurious, the concluſion cannot follow; neither would it by any means follow, that, if "*the militia of England*" had on that occaſion periſhed, a ſtanding army of mercenaries ought to be ingrafted into the government.

In point of fact, it is not true, that "*the militia of England*" did then periſh. *The militia of the crown,* as the feudal vaſſals might be truly called, did indeed expire; but the true "*militia of England*"—the poſſe comitatus, or power of the county—ſtill ſurvived, and to this moment exiſts, as I have abundantly proved; nor can it ever periſh, but with the conſtitution, and when the laſt leaf of the common law itſelf ſhall be given to the flames. Poſſibly the learned author had not ſeen *Lord Liverpool*'s clear diſtinction between theſe two ſpecies of militia, the free and the feudal,—the *Engliſh* and the *Norman*; but having, in the very chapter now under conſideration, noticed the *power of the county,* this concluſion is the moſt aſtoniſhing, and the more unpardonable, in ſo able a reaſoner.

Mr. Stuart informs us, that when the feudal ſyſtem firſt began to fade,

* Ergo; by incloſing them in future in *barracks*, they are to be taught *not* to have ſuch fooliſh feelings.

through decay, the purposes of ambitious princes, commutations of personal service for *money* began to creep in, and this at early periods of our history, but still subsequent to the Norman invasion. With this money, Kings hired mercenaries to augment their armies; and in process of time, the numbers so employed were considerable; but at the expiration of a war, for want of funds to support them, they were disbanded, and produced the greatest disorders; such, indeed, that it disposes him to "believe, that it was chiefly the enormous dissoluteness and irregularity of "manners, introduced by the mercenaries, which deformed England so "much in the reign of Edward I. that the ordinary judges were thought "unable to execute the laws. This, it would seem, made *Edward* invent a new tribunal of justice, which had power to traverse the kingdom, and to inflict *discretionary* punishments on offenders.* Yet, *says he*, a court so inquisitorial was a daring insult to a free nation, and "infinitely a greater calamity than all the disorders which prevailed. "That country is miserable where the discretion of a judge is the "law." † (394)

Mr. Stuart had observed, that while the feudal "grew to be the *usual* "method of raising an army, it was *a law in the different nations of* "*Europe*, that ALL the subjects of a kingdom were bound to take arms, "in cases of necessity;" (130) and it is very certain that, from the multitude of books he must have consulted for tracing "the antiquity of "the English Constitution," and even from those which, in his Dissertation on that subject, he frequently quotes, he must have been extremely well acquainted with *the power of the county*, its nature, its extent, and its duties. He must have known this to be a *militia of England*, embracing *every man*: He must have known that, according to the laws of the Confessor, cap. 15, "All freemen of the whole kingdom, accord-"ing to their means, &c. ought to have arms, and those always to keep "ready for defence of the kingdom;" and that "they ought not to "pledge them, nor sell them out of the kingdom, but bequeath them "to their heirs, &c." and that "all men" were required "to shew "their arms, throughout the whole kingdom, in the cities, in the boroughs, in the castles, in the hundreds and weapontakes of the king-"dom; which ought to be done on the same day throughout the whole "kingdom, lest any persons should accommodate their friends and ac-"quaintance with their arms, and they themselves receive them back in "return, and thereby defraud the justice of the king, and injure the "king and kingdom." ‡——In possession of this knowledge, a knowledge interwoven with the whole mass of antient law, and to be found in all the antient books; how are we to account for an acute observer slipping over such incomparable means of military prowess, and for his countenancing and abetting the wicked "policy of the three last centu-"ries," which has laboured to bury in oblivion *the true militia force of England*, that the people might be reconciled to the use of *a standing mercenary army*?—How, I ask, are we to account for such inconsistencies in an author so well acquainted with his subject?—For such a phenomenon I confess myself unable to account. I can only guess at causes competent to produce such an effect; as, when I see the same author, a lawyer, in his "*Dissertation concerning the Antiquity of the English Consti-*"*tution*," quoting *Tacitus*, and endeavouring to persuade us that the

* *Spelman Gloss*: voc TRAILBASTON.

† How inferior this English *Justinian* to an *Alfred*! And how deeply tinctured with the despotism of the Norman imperial law!

‡ Mr. Sharpe's Translation in his *Account of Congregational Courts*, p. 203.

German "*Companions*," the eſtabliſhment in which "we find the origin "of a *Jury*, were *judges only of fact*, and not of *law*;" when I obſerve his care to put theſe words in *Italic*, and perceive his book is dedicated to *William, Lord Mansfield, Lord Chief Juſtice of England*; and when I recollect that the period ſpoken of was many ages before *law was a profeſſion* among the northern nations, and, conſequently, when there were no lawyers, I gueſs the writer may have been ſubject to ſome profeſſional prejudices which had the wonderful power of extinguiſhing memory on certain points and to a certain degree; and the faculty alſo of exhibiting to his mind's eye, wrong in the ſhape of right, and black with the appearance of white: And on the preſent occaſion, I am compelled to have recourſe to gueſſes of the ſame kind, for, that a ſtanding army is become "a part of the *Engliſh conſtitution*," is to me altogether as incomprehenſible, as that an *Engliſh jury* ſhould ever have been thought judges only of fact and not of law.* That the learned Doctor, in his "View "of Society in Europe, in its Progreſs from *Rudeneſs* to *Refinement*," ſhould have met with ſuch doctrines we cannot be ſurprized, becauſe he has been contemporary with the *Belial* of the law, and the great betrayer alſo of the Engliſh conſtitution, and has lived in the days of "*refine-*"*ment*;" but that a jeſuitical "*refinement*," to cheat the people of the protective power of a jury in caſes of *libel*, ſhould have been adopted in the very earlieſt ages of honeſt *Saxon* "*rudeneſs*," when neither the citizen ſoldiers nor the citizen generals, the jurors nor the judges, could one in an hundred of them either read or write, is an idea than which nothing in nature can be more ridiculous. Before I loſe ſight of the learned gentleman's antient juries, who were, as he tells us, only judges of fact and not of law; which, of courſe, left the *criminality* or *innocence* of every defendant, *be the charge what it might*, to be decided on by the preſident or judge; I want to know how he reconciles ſuch hiſtory with that high degree of liberty he has attributed to the Saxons and other German nations of thoſe days, ſeeing he is of opinion that "that coun-"try is miſerable where the diſcretion of a judge is the law." I alſo want to know, if there was ſo much "refinement" in ancient "rude-"neſs," as to leave jurors at liberty to judge freely of the *law*, together with the fact, in all ſuch trivial matters as rape, robbery, murder or treaſon; but in the more important caſe of *writing* to the diſpleaſure of the magiſtrates they had *elected for the year*, to confine their judgment wholly to the mere fact of *publiſhing* the writing complained of.

With *Mr. Stuart's* great knowledge of our antient laws and antient hiſtory, that he could ſo ſkip, as he has done, over the Engliſh *poſſe comitatus*, ſo adaptable as it is to the varying arms and exigencies of ſucceeding ages, and ſo capable of having furniſhed a complete preventive of all thoſe inconveniencies he ſhews to have ariſen from the ſub-diviſion of fiefs, and all thoſe other diſtempers of the feudal ſyſtem in its decline, ought to ſurprize his readers. And, perhaps, if *Lord Liverpool* had looked deep enough into the ſubject, he would have remarked, that the very early neglect of the true genuine conſtitutional and only free militia, never could have been in favour with any of the Kings who ſat on the throne of England, ſubſequent to the failure of the Saxon line. In all the early periods, therefore, ſubſequent to that event, a feudal militia, in preference to the true national militia, muſt have attracted their chief regard; as a ſtanding army has of late been the object of preference.

* See p. 258 of the ſecond edition *corrected*. I wiſh I had not loſt the firſt edition.

Kings are men; and the love of arbitrary power* is the ſtrength of the human paſſion.—The whole world has but produced one ALFRED.

It ought likewiſe to ſurprize the readers of *Mr. Stuart*, that, while he barely notices in an indirect way the Engliſh *poſſe comitatus*, founded on the ſimpleſt and moſt powerful of all military principles, and equally adapted to all conditions of ſociety, from that of the rudeſt ſocial arrangement to that of the moſt refined civilization, he ſhould make the feudal ſyſtem the ſubject of the moſt ample inveſtigation. For this I have no way to account; and can only gueſs the *reaſon* when I obſerve the *concluſion* at which he arrives; and, apparently, with that ſort of reluctance ſhewn by the clergy when they accept of biſhopricks; and ſometimes alſo by great captains, when prevailed on to become kings. The intrinſic excellence and profound wiſdom of the *poſſe comitatus* has, under the perpetual neglect and diſcouragement of ſeven hundred years, ſtill preſerved its exiſtence; whereas the inherent defects, the ſhort-ſighted policy, and the natural vices of the feudal militia, notwithſtanding royal and ariſtocratic patronage to the greateſt extent, brought it to an end more than a century ago, and we have ſeen it buried by act of parliament. Now a learned inveſtigation into the origin, the principles, the hiſtory, and character of the former, muſt naturally have led to *its revival*; but to trace the origin and progreſs of the latter, until it periſhed, ſerved to furniſh reaſons, ſuch as they are, for reconciling us to *a ſtanding army!*

That it has been the real intention of the author to recommend himſelf, by recommending a ſtanding army, I will not ſay, becauſe I do not know; but if this had been his purpoſe, he could not more artfully have drawn up a hiſtory of the feudal ſyſtem and of its decay and extinction; nor more ſpeciouſly have recorded the introduction, or more dexterouſly have pleaded the *neceſſity* of a ſtanding army, than he has done. But as nature, and wiſdom, and truth, when fairly brought upon the ſtage, muſt ever ſubdue their contraries; ſo it muſt be apparent to every one who fairly examines the queſtion, that, had the *poſſe comitatus* of the Saxons, together with the reſt of their inſtitutions, been conſtantly cheriſhed by the Norman race of kings and their ſucceſſors, with the ſame care as they had been cheriſhed by the great *Alfred*, the military ſtrength of the kingdom would at all times have been much greater than even it was at any period of our hiſtory, not excepting the preſent.

It may now be worthy of our attention to notice ſome of the principal ſteps by which *Mr. Stuart* advances towards his extraordinary poſition, that a ſtanding army is actually become "a part of our conſtitution." After repeated mention of the mercenaries whom our kings were in the habit of hiring whenever they had money, "the introduction," ſays he, "of theſe banditti into a feudal army, was the utmoſt violence to its "nature: It offended infinitely the barons and the military tenants, that "they ſhould be called to mingle with perſons ſo ignoble. Yet, the "Princes of Europe, finding the advantages of troops whom they could "command to their purpoſe, and march at their will, were diſpoſed to "encourage them. They perceived that they could poſſeſs no power* "without mercenaries; and no mercenaries were to be had without "money. *Hence*, the paſſion for wealth they were to diſcover; *hence* "their ruinous projects to acquire it." (117)

"The mercenaries, which were made *neceſſary* by the diſorders of the "fiefs and chivalry, were to lead *to misfortunes and miſery*." (123).—Still the *poſſe comitatus* overlooked. The neceſſity here ſpoken of, is the

* He ſhould have ſaid no *arbitrary* power.

ſtate neceſſity of reſtleſs ſavage princes, delighting in foreign war, and unable to get themſelves a name, but by mad expeditions to the Holy Land, or to France, and by the ſlaughter of their ſpecies. But where was the *national* neceſſity, in a military view, of ſuch expeditions; or of any military force not to have been found in the *poſſe comitatus*, preſerved in full vigour and purity? Now mark the conſequences which flowed from our kings imagining mercenaries *neceſſary*. — "Mercenaries," ſays *Mr. Stuart*, "were ſcarcely known, when the princes of Europe invented "the art of extorting the wealth of their ſubjects; and of *employing it* "*to oppreſs them.* THUS MERCENARIES GAVE RISE TO TAXATIONS "IN EUROPE." !!! (123) — Admirable premiſes, for conducting us to the concluſion, that a ſtanding army of many thouſand mercenaries is become *neceſſary* to us!

And *Mr. Stuart* obſerves, that "the victory of the kingly authority "over the liberty of the people, continued in many princes the power "of taxation; and this power, and the command of mercenaries, are "THE COMPLETION OF DESPOTISM." (127) Is it, then, to the people of England, no cauſe of alarm to be told, and told without contradiction, that *four hundred and twenty-four* members of the Houſe of Commons are there ſeated in contempt of the people's rights; and that *one hundred and twenty-nine* of them are in the open pay of the crown? — Is it no cauſe of alarm, when they ſee an aſſembly ſo ſpoken of, voting unexampled taxes, and unexampled armies? If *the power of taxation and the command of mercenaries* be THE COMPLETION OF DESPOTISM, I would to God that, for quieting our apprehenſions, MR. PITT could find ſome means of proving that ſuch a dreadful power is not already in his hands, as miniſter of the crown! — With a debt of four hundred millions, — with the principal, both in money and land, beginning to melt away, — and with a parliament whoſe confidence in the miniſter increaſes, as that of the nation declines, — how conſoling muſt it be to be told, that a ſtanding army is become "a part of our conſtitution?"

But let us go on. "Mercenaries," ſays *Mr. Stuart*, "were the "ſtrength of armies; but to collect ſuch multitudes of them as were "neceſſary for great and vigorous efforts, required AN INEXHAUSTI-"BLE REVENUE. They had, beſides, no principle of attachment or "honour. An object of terror to the people, and of ſuſpicion to the "prince, they were employed and deteſted." (130.) Another admirable link in that chain of reaſoning which is to reconcile us to a ſtanding army being "a part of our conſtitution!" — That ſuch armies require inexhauſtible revenues is true: and it is equally true, that every conſiderable ſtate of Europe has been taxed to the verge of bankruptcy to maintain them; and that it is the exiſtence of ſuch armies that keeps thoſe ſtates in an almoſt perpetual warfare.

We will, however, proceed. "Thus the decay of the feudal ſyſtem, "the diſorders of the mercenaries, and the political condition of *France*, "all conſpired to illuſtrate the *neceſſity* of a ſtanding force. — I ſhould rather have conceived they beſpoke the *neceſſity* of free governments, and of every free man being armed. With regard to *France* in particular, ſhe had ample means of knowing all thoſe Engliſh laws which related to her poſſe comitatus; nor was ſhe herſelf in thoſe days without a law founded on the ſame principle; as *Mr. Stuart* quotes *Father Daniel* to prove. In the year 1302, anſwering to the 28th of our *Edward* I. *Daniel* ſays there was a military call, which was obligatory on all, both noble and not noble, of what condition ſoever they might be, from 18 to 60 years of age; but that the call operated only on ſuch of each city, bo-

rough, and village, as were approved of by thoſe who were commiſſioned by the King to make the levies.—(392). Here, then, we ſee that that pretended *neceſſity* of eſtabliſhing the STANDING FORCE which actually eſtabliſhed DESPOTISM in *France*, was the mere creature of an infamous policy, which in all ages and in all countries, has been almoſt ever at work to ſacrifice the liberties and happineſs of nations to the tyranny of one, or of a few.

Well; but what was the actual progreſs of the royal reaſoning in *France* on the ſubject of "a ſtanding force?"—Why: *Charles* VII. began that ſyſtem, by raiſing a ſtanding force of 9000 cavalry and 16000 infantry; and, according to *Mr. Stuart*, "ſucceeding princes were to add to, and "improve upon, the regulation of *Charles's*; and from THIS PERIOD, "the monarchs of *France* were to be in the full capacity of levying "taxes at their pleaſure; and of *ſurveying, in mockery, the rights and "pretenſions of their ſubjects.*" (133) Another admirable argument, methinks, for removing the objections to a ſtanding army being "a part "of our conſtitution!" And this policy of *Charles* VII. operating like a blaſt, in ſmiting with a comparative ſterility one of the fineſt countries on the globe; and bowing down many millions of men in an abject ſlavery for nearly four hundred years; and the conſideration alſo that it has coſt them rivers of blood to recover their liberties, muſt tend wonderfully to our ſatisfaction in being informed by *Mr. Stuart*, that *a ſtanding army* is become "a part of our conſtitution!"

But, as we draw nearer our own times, a mercenary ſtanding army, it ſeems, changes its nature; it becomes "expedient;" it becomes neceſſary;—nay, this Æthiopian changes his ſkin, and this leopard his ſpots; for ſuch an army, we are now told, is that peculiar military force, which can "*alone* correſpond with *the majeſty of the people*, and *the dignity of "the crown.*" (138) Good God! to read ſuch doctrine unmoved, exceeds all human patience!—And when, and how, and by whom, is this miracle wrought? It is wrought immediately after the diſbanding of that ſtanding army which had turned a parliament out of its own houſe, and had given the dominion of England to a bold uſurper: ſo much for the time when: It is wrought by an act of parliament, paſſed for another purpoſe, viz. to make dead in law that feudal ſyſtem, which was already dead in fact; ſuch were the means: And as for the perſon by whom this miraculous change was effected,—this converting into good, that whoſe nature it was, and is, and ever muſt remain, to be evil,—he was a compound of vice and meanneſs; one, in whoſe perſon, "*the majeſty of the "people*" was repreſented by an unprincipled wretch who diſgraced the throne; and in whoſe actions, "*the dignity of the crown*" was diſplayed, by its wearer being the penſioned hireling of a brother King for deſtroying the liberties of England.

But *Charles* II. was, it ſeems, "compelled by conſiderations the moſt "powerful" to introduce into the Engliſh government a ſtanding army! Except joining Louis XIV. in an attempt to deſtroy the Dutch, what other uſe did he ever make of an army, but to ſtab the conſtitution, and to dragoon the people; as he did moſt infamouſly in Scotland?—And was it not the ſwindling trade of his reign to obtain, by falſe pretences, grants of taxes to raiſe armies, and then, forgetting the ſervice, to ſquander the money in deſtroying the morals of the nation, by the profligacy of his own manners, and the licentiouſneſs of his court?

To recommend the rivetting on our necks the yoke of a ſtanding army, by gravely talking of *Charles* being "compelled, by conſiderations the "moſt powerful," to raiſe ſuch a force of his own private authority in

violation of the conſtitution, when it is well known, that no conſideration whatever, of morality, or of true policy, much leſs of patriotiſm, had the ſmalleſt influence on his baſe mind, or could touch his corrupt and callous heart; gravely to offer, I ſay, ſuch an argument for ſuch a purpoſe, is a mortifying proof to what condeſcenſions a man of abilities can humble himſelf, when he has once undertaken an indefenſible cauſe.

The conſiderations which really influence a King in the raiſing of a ſtanding army, are beſt ſeen by the uſe he actually makes of it. I have already ſhewn that Charles's Scotch army was employed in 1666 and 1667, to dragoon the people into an attendance upon the churches, contrary to their own religious opinions. About ten or eleven years afterwards, this religious dragooning was revived. Becauſe the land-owners of the weſtern counties would not enter into penal bonds, that neither "themſelves, their wives, children, ſervants or tenants" would go to conventicles, nor harbour "vagrant teachers," Duke *Lauderdale* repreſented to the King that "the country was in a ſtate of rebellion." Upon this, "8000 men were brought into the country, and *let looſe upon free* "*quarter*. A committee of council was ſent to give neceſſary orders. "Here was an army: but no enemy appeared. The Highlanders were "very unruly, and ſtole and robbed every where. *The gentlemen of the* "*country were required to deliver up their arms upon oath*,* and *to keep no* "*horſe above four pound price*. The gentlemen looked on, and would "do nothing. This put Duke *Lauderdale* in ſuch a phrenzy, that at "council table he made bare his arms above the elbow, and ſwore by "Jehovah he would make them enter into theſe bonds."—

"By proclamation all men were forbidden to go out of the kingdom "without leave from the council, on pretence that their ſtay was neceſ"ſary for the King's ſervice. Theſe things ſeemed done on deſign to "force a rebellion; which they thought would be quaſhed, and *would* "*give a good colour* for KEEPING AN ARMY. And Duke Lauderdale's "party depended ſo much on this, that they began to divide in their "hopes the confiſcated eſtates among them: ſo that on Valentine's day, "inſtead of drawing miſtreſſes, they drew eſtates."†

With regard to foreign ſervices, be it remembered that, in 1671, it was agreed between *Louis* XIV. and his penſioner, *Charles* II. that the latter "ſhould have 350,000 pounds a year during the war, together "with a fleet from France. England was to attack the Dutch by ſea, "while the King of France ſhould invade them by land with a mighty "army. It was not doubted but that the ſtates would find it impoſſible "to reſiſt ſo great a force, and would therefore ſubmit to the two kings: "ſo the diviſion they agreed on was, that England ſhould have *Zealand*, "and that the King of France ſhould have all the reſt except *Holland*, "which was to be given to the Prince of Orange, *if he would come into* "*the alliance*."

"That the year 1672 might be fatal to other commonwealths, as well "as to the ſtates, the Duke of Savoy was encouraged to make a con"queſt of *Genoa*; though he afterwards failed in the attempt; and the King of Denmark was *invited into the alliance*, with the offer of the town "of *Hamburgh*, on which he had long ſet his heart. The Duke of "Richmond was ſent to give a luſtre to that negociation, which was

* We have ſeen that while the *conſtitution* was regarded, every man was *ſworn* to *have* arms and armour, according to the quantity of their lands and goods. *Stat. of Winch.* 13 *Ed.* I. c. vi.

† *Burnet*, II. 25.

" chiefly managed by *Mr. Henshaw*, who told me, that he offered that " King some ships to assist him in seizing that rich town." *

Here, then, we see, in the dragooning of Presbyterians, how " a " standing army can alone correspond with *the majesty of the people*;" and, in the projected partition of the United Provinces and Hamburgh, how such an army " corresponds with *the dignity of the crown!* "

Mr. Stuart, indeed, observes, that " while France and other states of " Europe, in consequence of general reasons, and from the idea of their " own interest"—we should have said the interest of their despots—" and " the upholding a balance of power, were to be induced to admit of " standing armies, and were thence to lose their liberties, the same " causes did NOT operate the same effects in England. The introduction " of a standing army was, indeed, *to be made effectual* there; but at a " very distant period, and on principles *the most consistent* with liberty." (133).

With *Mr. Stuart*, we see, nothing is thought impossible to kings and legislators. When " compelled by considerations the most powerful," they find it easy, in his estimation, to make the Æthiopian change his skin and the leopard his spots; for here he attributes to them the power of controlling fate, and of repealing a law of nature, by statute. Hitherto philosophy has taught us, that the same causes *do* operate the same effects; but this, it seems, is only cum privilegio; for king, lords and commons can order it otherwise by act of parliament. Such stuff, by way of logic, may for aught that I know satisfy a Doctor of Laws and an Antiquarian, of the possibility of making a standing army " consistent with liberty"; but so long as I must retain my old notions about *cause and effect*, and shall recollect the awful truth pronounced by Lord Chatham, that nothing but the VIRTUE of a mercenary army prevents the sword finding a passage to the vitals of the constitution, I must reject such flimsy reasoning in the cause of despotism, with indignation and contempt. No principle in nature can be more obvious, than that there is no other earthly expedient for preserving liberty against a standing army, than immensely to out-number that army by an armed, an organized, and well disciplined inhabitancy of free men; officered by persons in their confidence, and of their own choice; and under no restrictions from opposing force by force, whenever the standing army presume to meddle with the administration of the civil government, under pretence of preserving the peace.

But if a standing army be, as *Hume* rightly terms it, a mortal distemper in a state, why, in God's name, afflict our country at all with such a calamity? I have shewn such an army to be in all respects unnecessary, mischievous, and ruinous; and that every foreign service would be better supplied from a militia on right principles. Considering that our military establishment rapidly increases, while our resources as rapidly diminish, the mere expence of an army must from henceforth hurry us headlong to bankruptcy. As to *Mr. Stuart's* arguments in favour of a standing army, from " the invention of cannon and fire arms"; and from " movements, evolutions and exercises," even an intelligent corporal would discover the gentleman was out of his element; and as to his sage discovery, that " any branch of the legislature may annually put a period to its ex- " istence, by objecting to it;" it were as much as to say, that Little Red Riding Hood could have turned out the wolf that had got possession of the house. If the mighty eloquence of a Chatham could not atchieve

* *Burnet*, I. 424.

the impoſſibility of reconciling a ſtanding army with an Engliſh conſtitution, with what diſguſt muſt we turn from the ſolemn trumpery by which we have now ſeen it attempted?

But we have not only perſuaſion, we have aſſertion alſo; for *Mr. Stuart* pronounces a ſtanding army to have already "*become* a part of our "conſtitution." Here, it were not enough, merely to deny the fact; for we cannot underſtand the conſtitution, without denying the poſſibility of ſuch a fact. If parliament cannot by any poſſibility even alter the conſtitution by any law it can frame,—as I truſt has been demonſtrated;—much leſs can we allow *Mr. Stuart* to tell us, that a ſtanding army is "become a part of our conſtitution," when, in the ſame breath, he acknowledges, that "the dangers of ſuch an army are prevented, and its "advantages ſecured, by it only being allowed to exiſt for one year at a "time; and that *any* branch of the legiſlature may annually put a pe-"riod to its exiſtence, by objecting to it."

The reader may remember, that one of the advantages I obſerved would ariſe from our poſſeſſing *a written conſtitution*, was, that it would prevent our talking nonſenſe about it. Now, what a ridiculous conſtitution that muſt be, an important branch of which might at any time be annihilated by any *one* part of a legiſlature, againſt the opinion of other *two* parts, is left to the reader to judge. But in ſerious truth, the want of *a written conſtitution* is a ſource of infinite evils. Hence it is, that the true foundations of our government are ignorantly miſtaken by ſome, and inſidiouſly miſrepreſented by others; every thing conſtitutional is a ſubject of cavil and controverſy; the proof of our rights is a fatiguing taſk; and the aſſertion of our liberties, againſt the mighty torrent of corrupt power, an Herculean labour.

By the cloud of uncertainty which thus hangs over the ſubject, our youth are diſcouraged from ſtudying the conſtitution; and the more aged are too apt to take up with prejudice, inſtead of knowledge; with party, inſtead of principle: and, to complete our regret, when we turn over even the pages of the learned, in queſt of truth and ſcience, we too frequently meet with error or uncertainty.—What, then, is to be done? And how ſhall we ſteer our courſe through the miſts of prejudice, and the confuſion of jarring opinions?—As by that bleſt gift of nature, the magnetic principle, we ſhun the dangers of the pathleſs ocean, and reach our deſired port; ſo, guided by the *principles* of our conſtitution, we ſhall find our way through all political difficulties, and finally repoſe in the haven of peace and liberty.

SECTION XII.

In a former Section, when reciting the extent of *repreſentation* in the *Saxon times*, I referred what I had to ſay, reſpecting the Houſe of Lords, to this place. As the portion of hiſtory I am now about to enter upon, is too curious and too intereſting to be merely reported or paſſed ſlightly over, I ſhall offer on it ſuch obſervations as belong to an Appeal on the ſubject of the Engliſh conſtitution. On the preſent occaſion I ſhall avail myſelf of the information of a learned and accurate friend; but not being allowed to uſe his name, and a valuable manuſcript he put into my hands having been drawn up for a purpoſe different from my own, I ſhall ſuit my convenience in uſing his matter, without always confining myſelf to either his words or arrangement.

For the ſake of the greater perſpicuity, this part of my work ſhall be divided into Text and Comment; the former containing the hiſtorical matter pointed out by my learned friend; and the latter, ſuch comments thereon as have occured to myſelf.

TEXT I.

By the *Chronicon of Litchfield* we have a very particular account of *the laws of King Edward*, viz. that they were ordained in the time of his grandfather, King *Edgar*; that they became almoſt obſolete from the time of *Edgar*'s death to the time of *St. Edward*'s coronation,—about 67 years,*—but were then, by the advice of the *Barons* † *of England*, revived, improved, and confirmed; and there called, "*The Laws of Saint King Edward.*" It farther informs us, that *William* the Norman had conſented, in his 4th year, "on the prayer of the community of Engliſh," to reſtore to them *the laws and cuſtoms of their forefathers*: for the aſcertaining of which, a very extraordinary parliament was ſummoned in the nature of a *national Jury*, viz. *twelve* of the wiſeſt, or moſt learned men in each county were to be *elected* for this purpoſe, and to be enjoined by ſolemn oath before King *William* that they ſhould declare to the beſt of their power the inſtitutes of their laws and cuſtoms. And by the ſame account we learn, that the Archbiſhop of York and Biſhop of London acted as ſecretaries, and wrote down all that the aforeſaid *jurati*, or parliamentary jury, had declared.

In the 34th Section of theſe Laws, under the head of Trithings and Lathes (or Courts Leet), the trithing is declared to be the third part of a county; that the rulers of the *trithing* were called trithing-gerafs or greves, to whom were referred cauſes which could not be determined in the *wappentake* or *hundred courts*.‡ The 35th Section declares that *greve* is a name of power, which moſt expreſsly ſignifies in the Latin tongue, præfectura, i. e. the government or juriſdiction of any diſtrict; the title being "diverſely extended," or applied to the *ſhires*, the *wappentakes*, the *boroughs*, and the *villages*, &c.

In a farther diviſion of the ſame Section (35), under the title "De Heretochiis, &c." the *Heretochs* or *Heretoges* are deſcribed as Barons, Nobles, &c.—And a little farther, it is added, that theſe men were *elected* 'by the common council throughout the provinces and univerſal native 'countries, and *by each county* in FULL FOLKMOTE,' which was the moſt popular aſſembly.‖

The antient *Earls*, as appears by *Lord Lyttleton*, B. II. 136, were undoubtedly the ſame as the *Heretochs*, as having the ſame juriſdiction: And in the next, 'The number of Earls was determined by the number

* This code of laws was firſt compiled by the great *Alfred*. See *Blackſtone's Com.* I. 64, 66; and *Hiſtorical Diſſertation on the Antiquity of the Engliſh Conſtitution*, 250. *Alfred* died 57 years before *Edgar* aſcended the throne.

† We are to keep in mind, that at this time the word *Baron* was a mere *deſcription*, and not an hereditary *title*, in the modern ſenſe of the word *title*. Here it of courſe ſignifies the Barons who were *elected* to the Common Council, or Wiltenagemote.

‡ See *Hiſtorical Diſſertation on the Antiquity of the Engliſh Conſtitution*, 254. Trithings were not generally extended over the kingdom; as ſome counties were too ſmall to require ſuch diviſion.

‖ "Iſti vero viri elegebantur per commune concilium pro communi utilitate regni per "provincias et patrias univerſas et per ſingulos Comitatus in pleno Folkmote, ſicut et Vice-"Comites Provinciarum et Comitatuum eligi debent: Ita quod ni quolibet comitatu ſemper "fuit unus Heretoch per electionem electus ad conducendum exercitum comitatus ſui juxta "præceptum Domini Regis; ad honorem et utilitatem coronæ Regni prædicti ſemper cum "opus adfuerit in Regno."

'of counties over which they preſided; ſo that the King could not re-'gularly create any more.*

What has already been cited from *the Laws of King Edward* about the election of the *Heretochs*, muſt therefore neceſſarily be underſtood alſo of the *Earls*, viz. that they were really *elected* alſo *by the people*. And it is alſo clear, that the Greves, or Judicial Barons, the Mayors, &c. of the leſſer diſtricts were likewiſe *elected by the people* of their reſpective diſtricts; for though their election is not particularly mentioned, yet they are certainly included in what is ſaid of the *Heretochs*,—'Iſti vero viri elege-'bantur, &c.' becauſe they are expreſsly enumerated with them in the former part of the Section,—'Silicet Barones, Nobilis, &c.' and the antient right of election to *all* offices of truſt is ſufficiently known by the *Laws of Frankpledge*, and by other antient eſtabliſhed cuſtoms of this kingdom.

Though *William* the Norman confirmed *the laws of King Edward*, he very ſoon after began to eſtabliſh the feudal ſyſtem of HEREDITARY EARLS AND BARONS, and military tenures;† yet even theſe *hereditary* Earls and Barons, for a long courſe of time afterwards, *preſided* in the reſpective County and Trithing Courts.‡

In the *Saxon* times, one great popular meeting or folkmote was held *annually* on the firſt day of May, when the people were required 'to con-'federate themſelves as ſworn brothers to defend the kingdom againſt 'ſtrangers.' And all the Princes and Earls were likewiſe required to *attend* at the ſame time, and to be *ſworn* before the Biſhops. But the great day of *election*, in the *Saxon* times, ſeems to have been annually on the firſt day of October. See the 35th Section of St. King Edward's Laws.‖

So that the *election* of the Earls or Counts, as well as of the Vis-counts or Sheriffs, was formerly required to be *annually* made on the firſt of October. But that preciſe time was afterwards changed; for by *Magna Charta* it is ordained —'that the Sheriff ſhall keep his Torn but twice in 'the year, and no where but in due place accuſtomed; that is to ſay,

* Remembering a corrupt creation of twelve peers at once, by the Tory miniſtry of Anne, it was attempted in the next reign to limit by ſtatute the number of the peerage; the bill paſſed the Houſe of Lords, but not ſuiting the ariſtocratic ſpirit of the Houſe of Commons, and the views of too many of its members, they threw it out. We ſhall ſoon ſee that the original creation of any peers at all by the crown, was not a mere *irregularity*, but a violent uſurpation on the rights of the people, and a complete ſubverſion of their conſtitution by *William* II.

† "Lands, at this period precarious, and deſcending in limitation, were made hereditary "and perpetual; *allodial* poſſeſſions were converted into *fiefs*; and the feudal law, in its "more enlarged condition, ſpread itſelf over England." Dr. *Stewart* ſpeaks of theſe things as amongſt the circumſtances to which we are "indebted for our firſt advances to art and ci-"vility." *Hiſtorical Diſſertation on the Antiquity of the Engliſh Conſtitution*, p. 122. The Conſtitution of England being his ſubject, he has not ſhewn his uſual ſagacity in remarking on this period of our hiſtory. After ſo well vindicating as he has done the cauſe of liberty in the Saxon times, and after refuting the tyrannical notion, "that a feudal King was proprietor of "all the lands in his kingdom," (78) his not perceiving the immediate political effect of the *judicial* and *legiſlative* change made by *William*, which was a change from *complete* liberty to complete ſlavery, is ſomewhat remarkable.

‡ *Philip* of Macedon, the Roman *Auguſtus*, and *William* the Norman, were all, in the vulgar ſenſe of the word, good politicians; that is, eminently ſkilled in deſtroying whatever it had been the glory of the beſt men to eſtabliſh; and maſters of the infamous art of elevating themſelves by the degradation of nations. But more of this ſtroke of *William*'s policy in a ſubſequent page.

‖ "Item aliud Folkmote eſſe debet in quolibet Comitatu per provincias et patrias totius "Regni prædicti univerſas, ſcilicet in capite Kal. Octob. ad providendum ibi quis erit Vice-"comes, et qui erunt eorum Heretochii, &c."

'once after Easter, and again after the Feast of St. Michael; and the 'View of Frank-pledge (the great period of election for the legal of-'ficers of the district) shall be likewise *at the Feast of St. Michael*, &c.' The *Hundred* Courts were held monthly, and the Courts of the Trithings I believe) quarterly, like the Quarter Sessions of the present day.

TEXT II.

Looking to the change effected by the arbitrary policy of *William* the Norman, in the condition of the Earls and Barons of that day, as before noticed, we see the true cause of the House of Lords becoming *the supreme Court of Judicature*. The magistrates of whom the Wittenagemote was composed when William made them *hereditary*, were the *elected* Presidents or *Judges* of all the Trithing and County Courts; as individuals, in their respective courts, they sometimes had doubts (the younger ones especially) in deciding difficult causes; for which reason, the whole body of these Presidents, at stated periods, assembled together, and formed a supreme court of judicature; to which supreme court all these difficult cases were referred, in order to be decided by the united wisdom and experience of the whole body of national judges; than which nothing could be more proper.

It was part of the policy of the cunning Norman, that these magistrates, although no longer elective, should still continue to preside in the Trithing and County Courts; because, on so doing, was founded their claim to compose *the supreme court of judicature*. In process of time, by the institution of the Aula Regis by William himself, and of the several Courts of Chancery, King's Bench, Common Pleas, and Exchequer, by *Edward* I. the County Courts gradually declined; and the Earls, or Comites (as they were now called) left the business of their County Courts to the Vice-Comites, or Viscounts, or Sheriffs; who, although they thus, as deputies, presided in these courts, never sat in the supreme court; because there the Comites himself sat in person, by a title now become hereditary, which the Sheriff never possessed. Here, then, we clearly see the means by which the House of Lords became originally the supreme court of judicature.

"By the antient Saxon constitution," says *Blackstone*, "there was "only one superior court of justice in the kingdom; and that had cog-"nizance both of civil and spiritual causes; viz. the *Wittena-gemote*, or "general council, &c." — "At the conquest, the ecclesiastical jurisdic-"tion was diverted into another channel; and the conqueror, *fearing "danger from these annual parliaments*, contrived also to separate their "ministerial power, as judges, from their deliberative, as counsellors "to the crown;"* that is, although he had made them counsellors to the crown, as hereditary lords of parliament, yet, in their quality of judges, they were only inferior members of the court he erected, called the *Aula Regis*. Of this court all the great ministers of state were members, *ex officio*, but the principal power was lodged in the President, or Chief Justiciar, whose authority was so great, he became in time formidable even to the crown itself.

On the dissolution of the *Aula Regis*, and the erection of several separate courts, the lords of parliament, now sitting in their own house alone, still retained an appellant jurisdiction from all those courts; which, from the nature of the change, and from their having since their first be-

* *Com.* III. 37.

coming hereditary been always members of the ſupreme court, was as it were a thing of courſe.

TEXT III.

The firſt rank of the judicial dignities in the *Saxon* times were called *Heretoge* or *Heretoch*, a corrupt imitation of the Latin words—*Herus Dux*—that is *Maſter-Duke*, or *Head Leader*; but it was certainly the ſame dignity that was afterwards more generally known by the title of *Earl*, or *Comes*, or *Count*, as being the leader of a county; that is, ſupreme Judge, as well as military Commander, over a whole county.

The *Greve*, *Baro* or *Baron*, called alſo *Dominus* (my Lord) was the *elected* Judge of a Trithing, or Riding, the *third* part of a county. The Quarter Seſſions of the preſent day ſeem to be the only continuation of the old Trithing Conrts. And the *Vice-Comes*, or Viſcount, was the *elected Sheriff* to tranſact the general buſineſs of each county in the abſence of the *Comes* or *Earl*; ſo that, of courſe, they could not leave their counties to ſit in the aſſembly of the *Comites* or *Counts* and *Barons*.

The *Biſhops* were alſo originally *elected by the people*, and it was a branch of their duty to preſide with the Judges and Barons in the County Courts, as appears by the laws of King *Henry* I. §. 7. "De generalibus placitis "comitatuum quomodo et quando fieri debeant,"—wherein the *Biſhops* are expreſſly required to be preſent, as well as all other dignitaries, &c.

The ſecond ſection of theſe laws of King *Henry* I. confirms *the laws of King Edward* (the Confeſſor); which had before been confirmed by his father, *William* I. in his fourth year. And it is by theſe laws (which were the foundation of the ſeveral *Declarations of Rights*, called *Magna Charta*) that we have full authority to aſſert the doctrine on which is built the preſent argument, viz. that the *Nobility*, or *Peers* of the *Upper Houſe*, were originally *elected by the people*, that is, by the *Folkmotes* of the ſeveral diſtricts, large or ſmall, wherein they were to preſide.

COMMENT on TEXT I.

Seeing by theſe citations of the antient laws, that the magiſtrates of ſuperior rank, the judges and the legiſlators, were all elected by the people, we may be certain this muſt have been the caſe with reſpect to all magiſtrates and officers of inferior degree: but, indeed, of this the evidence is very abundant. "They elected," ſays *Blackſtone* expreſſly, "*all* "ſubordinate magiſtrates, their military officers or heretochs, their ſheriffs, their conſervators of the peace, their coroners, their port-reeves "(ſince changed into mayors and bailiffs) and even their tithing men "and borſholders at the leet." And ſo far were our Saxon anceſtors from deriving any of their rights or liberties *from the crown*, that the king himſelf, as *Blackſtone* acknowledges, originally derived his office, his honours, and his power, immediately from the people by election.*

"In this manner *Hengiſt* came to be king over the Saxons. At firſt the "leader of his people, it was not till ſome years after his entry into *Bri*"*tain* that he roſe to the royal dignity. He was diſtinguiſhed by the "appellation of *Heretogan* till the year 455." "The free election of "the people filled the throne; and their choice was the only rule by "which princes reigned."† The prince ſo raiſed to the throne "was

* *Comm.* IV. 113.

† *Stewart's Hiſtorical Diſſertation concerning the Antiquity of the Engliſh Conſtitution, Edit.* 2d. p. 133, 152.

" solely attentive to the interest of his tribe; and the applause and ap-
" probation of his countrymen softened the toils and anxieties of his si-
" tuation. But did he at any time relax his activity and martial ardour;
" did he employ his abilities to the prejudice of his nation, or fancy he
" was superior to the laws? The same power which raised him to honour,
" humbled and degraded him. The customs and councils of his coun-
" try pointed out to him his duty; and if he infringed on the former, or
" disobeyed the latter, a fierce people set aside his authority,"—"and
" their depositions were frequent."* "*Sigebrygbt*, king of the West
" Saxons, was set aside for illegal and oppressive practices; and the ir-
" regular life of King *Edwy* produced, in like manner, his dismission."

Thus we see that we must ascend above the Norman clouds of despotism and sophistry, before we can arrive at the pure elements of either common law or common sense. *Blackstone* writes very feelingly on the logical chicane and metaphysical subtilties of Norman jurisprudence; and of "the refinements gradually introduced by the Norman practitioners, " with a view to supersede (as they did in great measure) the more " homely, but more intelligible, maxims of distributive justice among " the Saxons."† It is now a received doctrine that we have but one legal remedy ‡ against a king that should act the tyrant ever so grossly; which is, to rise in rebellion and serve him as *James* II. was served; but by this "refinement" the most zealous patriots must always stand a chance of being hanged for traitors, for this mode of going to law. Whether Saxon common sense, or Norman "refinement" is to be preferred, has long been a question among the learned. I shall not attempt its solution.

Where *Blackstone* speaks particularly of the Coroner, he says, "He is " still chosen by all the freeholders in the county court, as by the policy " of our antient laws, the sheriffs and conservators of the peace, and *all* " *other* officers were, WHO WERE CONCERNED IN MATTERS THAT " AFFECTED THE LIBERTY OF THE PEOPLE."‖ And for the like elections *Lord Coke* also gives this reason—"Because it concerned all the " subjects of that county, AND THEY HAD A GREAT INTEREST IN " THE JUST AND DUE EXERCISES OF THEIR SEVERAL PLACES," or offices. Upon reciting this passage from the great oracle of our law, *Mr. Scott*, in the cause of *Lovelace v. Curry*, at Winchester Lent Assizes, 1798, remarks that, "The principle stands upon a rock of reason, and " will therefore stand for ever—that the great body of the people should " actually elect their public servants: and therefore it was that the great " power of controul by our excellent constitution was always lodged in " the hands of the people."—Such, then, is the inestimable, the unspeakable value of REPRESENTATION; and so true is it, that "The " annual exercise of elective power under the Saxon government, was " the quintessence, the life and soul of the constitution!"§

The bold features and the ruddy countenance of freedom, I now trust, are completely discernible in the original genuine English constitution, before it sickened under the effects of that Norman poison, of which it unfortunately took so large a dose. "From so complete and well con-" certed a scheme of servility, it has been the work of generations for " our ancestors, to redeem themselves and their posterity into that state " of liberty which we now enjoy." This is the observation of *Black-*

* *Stewart's Historical Dissertation concerning the Antiquity of the English Constitution*, Edit. 2d. p. 135, 152, 140.

† *Comm.* IV. 417. ‖ See p. 22. ‡ *Ibid.* I. 347. § See p. 2.

ſtone;* but he rather contents himſelf with making the moſt of what has already been recovered, than exerts himſelf to point out what more remains to be done, or undone, ere our liberties can be ſecure.

If in conſequence of this mixture of Norman tyranny with Saxon freedom, and of our being without a written conſtitution, difficulties ariſe, how are we to proceed in our inquiries? I know no way but by defining what our conſtitution *is*, and this, to the beſt of my ability, I have done; by laying it down that 'Our conſtitution conſiſts of certain 'immemorial† points of national agreement, and thoſe *principles* on which 'the ſecurity of our natural liberties depends.' If any one ſhall amend this definition he ſhall receive my thanks. I muſt not indeed flatter myſelf that my poſitions will always be acquieſced in; for we ſcarcely ever hear any principle laid down in parliament, as conſtitutional, that is not either flatly denied, or ſtoutly controverted. The inconveniences of wanting a written conſtitution are many, great, and obvious: the worſt of them is, the inſidious undermining of the conſtitution under favour of the darkneſs of a general ignorance. But, methinks, I hear it aſked, how do I prove my aſſertion, that 'The moſt conſpicuous of our points 'of national agreement, is that by which our legiſlature took the form 'of King, Lords, and Commons?' (p. 13.) ſince it will now be objected, that the *memorials* reſpecting the origin of the Houſe of Lords, ſhew its introduction into the legiſlature to have been the very reverſe of an act of "*national agreement*." Conſcious indeed that to this queſtion I can only make a lame anſwer, I believe it is better to make none at all: But although my facts ſhould ſlip through my fingers, I muſt ſtill hold faſt my definition, until it be proved erroneous. The Houſe of Lords, I doubt not, in a poſſeſſion of above ſeven hundred years continuance, and in being a component part of a legiſlature which has been the admiration of philoſophers, and an object of warm attachment to the nation, will think its title ſufficiently ſecure. I ſincerely wiſh that that houſe, and all its members, may prove to us that hereditary nobles are the guardians of a nation's liberties, and a bleſſing to a people; and as this is doubtleſs in their power to do, ſo we may conclude that, by doing it, they would better fortify themſelves againſt the propogandiſts of Equality, than by all the projects a *Burke* could conceive, or a *Pitt* could execute.

To the lawleſs invaſion of the peoples election rights by the Norman ſpoiler, we have ſtill to add the unconſtitutional incroachments by which they were deprived of the choice of their *ſheriffs*, on whoſe uprightneſs ſo much depends the purity of their juries; and of the *conſervators of the peace*, whoſe buſineſs it was to preſerve the public tranquillity; ſucceſſively taken from them in *bad* times: the election of the former was loſt in the 9th year of the deſpicable *Edward* II.; and of the latter, at the cloſe of his inglorious reign.

Speaking of this prince, *Rapin* ſays, "His weakneſs and incapacity "drew on him the contempt of his ſubjects, which was ſoon changed "into hatred, when he was ſeen to ſacrifice all to his paſſions." The occaſion of taking from the people the election of *conſervators* does not recommend the act. "When Queen Iſabel, the wife of *Edward* II. had "contrived to depoſe her huſband by a forced reſignation of the crown, "and had ſet up his ſon *Edward* III. in his place; this," ſays *Blackſtone*, "being a thing then without example in England, it was feared would

* *Com.* IV. 420.

† Immemorial, becauſe it is confeſſed we have no *written* conſtitution; and becauſe a *conſtitution* cannot be made by *ſtatute*; for that were for the deſcendant to beget the progenitor.

" much alarm the people; eſpecially as the old king was living, though " hurried about from caſtle to caſtle; till at laſt he met with an un- " timely death. To prevent therefore any riſings, or other diſturbance " of the peace, the new king * ſent writs to all the ſheriffs in England, " the form of which is preſerved by *Thomas Walſingham*, giving a " plauſible account of the manner of his obtaining the crown; to wit, " that it was done *ipſius patris beneplacito:* and, withal, commanding " each ſheriff that the peace be kept throughout his bailwick, on pain " and peril of diſinheritance and loſs of life and limb. And in a few " weeks after the date of theſe writs, it was ordained in parliament, that " for the better maintaining and keeping of the peace in every county, " good men and lawful, which were no maintainers of evil, or barretors " in the country, ſhould be *aſſigned* to keep the peace. And in this " manner, and upon this occaſion, was the election of the conſervators " of the peace *taken from the people and given to the king*." †

When we look back to the Saxon period, we ſee the refreſhing ſtream of REPRESENTATION — the life-blood of the conſtitution — flowing copiouſly through every vein of the community; its waſte ſupplied, and its circulation invigorated, by annual election. Then, firſt comes the tyrant Norman, and, by an inſidious manœuvre, wreſts from the people the choice of a body of magiſtrates and judges, who preſided in all their trithing and county courts, and were alſo their military leaders throughout the kingdom; and of whom the whole national legiſlature was compoſed.

After a lapſe of two hundred ſtormy years, during which the Saxon laws, ſo dear to the Engliſh people, had, in charters and other formal inſtruments, been repeatedly and ſolemnly ratified and confirmed by the princes on the throne; while for the moſt part, they, at the ſame time, *acted* as if neither the laws of man or of God had any influence on their brutal minds, we have, for the firſt time, clear hiſtorical evidence of the *people* recovering a repreſentation in parliament; they and their repreſentatives being then firſt diſtinguiſhed by the appellation of *commons*; whereas, had the " laws and cuſtoms of their forefathers " been in reality *reſtored*, according to the charters and royal *declarations* ſo often made to that effect, the people, as under their Saxon kings, muſt regularly and annually have elected the *whole* of the *legiſlature*; and in ſuch a legiſlature, as well as in the numerous magiſtrates and judges of their own choice, muſt have found protection from the odious tyranny that had been exerciſed during the far greater part of that interval.

Even the Conqueror himſelf, in the very firſt year of his reign, " con- " firmed, by a public edict, *the people's privileges*, and all the promiſes he had made in that reſpect." ‡ And we have ſeen from the *Chronicon of Litchfield*, that he " had conſented, in his fourth year, on the prayer of the " community of Engliſh, to reſtore to them *the laws and cuſtoms of their " forefathers*; for the aſcertaining of which, a very extraordinary parli- " ament was ſummoned;" and the 13th article of his charter, preſerved in the *Archionomia of Lambard*, is in theſe words: Firmantur leges Ed- " wardi Regis. Hoc quoque præcipimus ut omnes habeant & teneant " leges Edwardi Regis in omnibus rebus, adauctis iis, quas conſtituimus " ad utilitatem Anglorum." ‖

His ſon Henry I. " aboliſhed the *curfew*. He alſo confirmed divers

* Then only fifteen years of age, and " under the direction of a paſſionate mother, and a " young unexperienced miniſter, more preſumptuous and leſs able than the Spencers." *Rapin I.* 406.

† *Com. I.* 350. ‡ *Rapin* I. 168, 190. ‖ *Rapin*, I. 282.

privileges enjoyed under the Saxon kings, and *renounced all thoſe unjuſt prerogatives* uſurped by the two late kings," *William I.* and *II.** *Stephen*, " to gain entirely the affections of the Engliſh, *revived the antient Saxon* " *laws*;" † and *Henry II.* " called a parliament at *Wallingford*, when he " cauſed the *Barons* to take the oath, &c. — Before the aſſembly broke " up, the king conſented that *the laws of Edward ſhould be in force*, and " of his own accord confirmed the charter of *Henry* I. his grandfa- " ther." †

The Magna Charta of *John* makes not indeed any expreſs mention of the *Saxon laws*, but was intended to redreſs a variety of grievances which had been experienced in conſequence of thoſe laws having been diſregarded: although it is obvious enough that the *barons* chiefly conſidered *themſelves*; ‡ for had a redreſs of the nation's greateſt grievance been their object, the charter ought to have aboliſhed their own *hereditary* titles and power, and reſtored to the people all the elections they exerciſed with ſo much benefit to themſelves under the *Saxon laws*. But, in truth, without laying a ſtreſs on that important point, this celebrated tranſaction, like the " glorious revolution" of 1688, is as remarkable for what was omitted, as for what was performed.

In both caſes we ſee a puerile enumeration of particular oppreſſions, which were intended thenceforth to ceaſe; and a total omiſſion of thoſe proviſions, by which alone their return, or ſomething as bad, could be effectually provided againſt. In both caſes we ſee it wholly forgotten, that our Saxon anceſtors preſerved a knowledge of, and attachment to, the Engliſh conſtitution, by *a perpetual exerciſe of their rights*, and particularly that paramount right of *annually electing their repreſentatives*.

Henry III. after a turbulent reign of forty-eight years, became, with his ſon, (afterwards Edward *I.*) a priſoner of war to the confederated barons under the lead of the Earl of *Leiceſter*. In this conjuncture, theſe barons, projecting a new plan of government that ſhould put into the hands of their own body a check upon the regal authority, were deſirous to ſanction this new plan by the authority of a *parliament*; but, firſt, having in view to exclude from the ſame, thoſe barons who were not of their confederacy, which upon conſideration was liable to ſtrong objections; and then, " contriving how to make this aſſembly more general, " and give it a better air of authority," they cauſed the impriſoned king to ſign the neceſſary writs, and a parliament was called, in which the *commons* were repreſented by four knights choſen in each county. ‖

And in order to underſtand how theſe popular repreſentations were to balance againſt the adverſe, or as Leiceſter would of courſe call them, the diſaffected barons, we muſt recollect that they were to ſit in the ſame aſſembly; for it was not till the reign of Edward III. that parliament was divided into two houſes.

Thus, then, after loſing the election of *the whole Saxon wittenagemote*, and being totally diveſted of political liberty for the ſpace of two hundred years, the people at length recovered the choice of *half a Norman parliament!* § And now, for the firſt time it was, that the legiſlature

* *Rapin*, I. 168, 190. † *Rapin*, I. 201, 223.

‡ Art. 70. " And whereas, for the honour of God, and the amendment of our king- " dom, and for quieting *the diſcord that has ariſen between us and our barons*, we have " granted all the things aforeſaid; willing to render them firm and laſting, we do give " and grant our ſubjects the following ſecurity; viz. that the *barons may chuſe* five and " twenty *barons*, &c."

‖ *Rapin*, I. 339.

§ Dr. *Stewart*, indeed, in his *Hiſtorical Diſſertation*, print d in 1770, gives us expectations of another work, exhibiting " *a connected view of ſeveral diſtinct arguments*, which

conſiſted of king, hereditary lords, and elected commons; whereas, for the two preceding centuries, it had been a mere compound of monarchy and ariſtocracy; but, prior to *William's* diſaſtrous invaſion of both our country and our conſtitution, it was compoſed of the people's repreſentatives only,* with the king as preſident of the aſſembly; then denominated the wittena-gemote, or aſſembly of the *wiſe* men. And it will puzzle any one to contrive how to get together in a legiſlature the *wiſe* men of a nation, by any other means than by true popular election, on the part of thoſe who have every intereſt in chuſing the wiſeſt and the beſt.

And this legiſlature being in fact an aſſembly of the judges of all England, who in the ſeveral counties and trithings had been ſelected for their experience, their wiſdom, and virtue, to preſide in their courts, conſtituted, *for that reaſon*, not only a legiſlature, but a court of juſtice of ſupreme authority over all the other courts, for correcting their judgments on appeal.

Doctor Stuart,† ſpeaking of this court, appears to fall into ſome errors. Although he ſeems to admit that it was compoſed of "the people's re-"preſentatives," he ſays that, "in the abſence of the king, the chief "*juſticiary* watched over their deliberations." And in attempting to reconcile the expreſſion, which he admits is *Norman*, he conſiders it as ſynonimous or equivalent to that of *totius Angliæ aldermannus* of the *Saxons*. And, ſtill ſpeaking of the Saxon *wittenagemote*, he alſo ſays, "Four courts "aroſe from its ruins, and manage, at this day, the buſineſs it compre-"hended; the king's-bench, the chancery, the common-pleas, and the "exchequer. The *Houſe of Peers* became alſo, on its abolition, the ſu-"preme court of appeal."

In both facts and dates he appears to be incorrect. We have already ſeen the repreſentative legiſlature of the Saxons converted into a hereditary ariſtocracy by the firſt of the Norman kings, who alſo transferred its judicial functions to the court he erected in his own palace, called the *aula regis*. Of this court, he made the ariſtocracy he had created, *hereditary* members; his miniſters of ſtate, members *ex officio*; and his prime miniſter preſided under the title of *chief juſticiar*, having Norman lawyers, as inferior juſticiars or juſtices, to aſſiſt him: ‡ But ſuch a *chief juſticiar* was radically and eſſentially different from the aldermannus of the Saxons, amongſt whom every magiſtrate was *elective*.

Theſe, then, an hereditary ariſtocracy, and an arbitrary ſupreme court of juſtice, are what aroſe out of the ruins of the Saxon *aſſembly of wiſe men*.

The abominable tyranny of the *aula regis*, in proceſs of time, was ſomewhat curbed by *magna charta*; but it was not till the reign of the

prove a repreſentation of the commons before the 49th of *Henry* III. Has ſuch a work been publiſhed? It is natural to ſuppoſe that *words* and *forms* might be made uſe of under the Norman princes, which ſhould affect to conſider their packed parliament in the ſame light as the wittena-gemote had been conſidered, that is, the *common-council* of the whole kingdom, and as repreſenting *all the people*; for it has in all ages been the policy of deſpotiſm, after robbing a people of freedom, to amuſe them with words and with names. But that the commons really ſet in any parliament from the time of the conqueſt to this period, I think, upon the whole, is improbable.

* Dropping the particular words to which by habit we attach ideas of *hereditary nobility*, and uſing their ſynonimes, we ſhall find thoſe repreſentatives, ſtiled earls and barons, to be eldermen and freeholders; for theſe latter were antiently called *barons*. See *Blackſtone's Com.* I. 399, III. 33.

† *Hiſtorical Diſſertation on Antiquity of Engliſh Conſtitution*, 243.

‡ *Blackſtone's Commentaries*, III. 37.

Engliſh *Juſtinian*, Edward I. above two hundred years after the ruin of the *witteneagemote*, that the *aula regis* was finally aboliſhed, and the four courts, mentioned by Dr. *Stuart*, were erected. And then it was that "the greater barons of parliament," or hereditary nobles, firſt engroſſed to themſelves the whole power of appeal, as the ſupreme court of judicature; as it is held and exerciſed to this day.

And now, remembering once more we have never had *a written conſtitution*; and have, as I conceive, no means of knowing what our conſtitution *is*, except by aſcertaining what are *immemorial points of national agreement*, and thoſe PRINCIPLES on which the ſecurity of our natural rights depends; and keeping alſo in mind, that "no precedent can ſanctify, no length of time can confirm doctrines ſubverſive of liberty and property;"* it is for the intelligent reader to reflect on the three periods above-mentioned; as it is for thoſe who belong to the peerage to aſſert with becoming modeſty, and to exerciſe with the moſt patriotic integrity, the rights of *hereditary* judges and *hereditary* legiſlators of the land; not forgetting that our great and venerable commentator conſiders them, as "bound upon their conſcience and honour, to be *ſkilled in the laws* of their country."†

In recommending it to an Engliſh nobility to pay due attention to the advice of this great man, and likewiſe to verify what has been ſo finely written by eminent pens, on a body of hereditary nobility being a bulwark to the liberty and property of a nation, by balancing between king and people, I believe I tender them the beſt counſel that can be given them in theſe times: and although, when I contemplate the profound ſciences of law and of civil government, and thoſe ſecurities of human freedom which nature ſo ſtrongly dictates, I muſt neceſſarily have my doubts, touching the propriety of *hereditary* judges and *hereditary* legiſlators, (nor does Mr. *Burke* remove theſe doubts when he talks of infants being "ſwaddled, and rocked, and dandled into legiſlators.") Yet, influenced in ſome degree by the antiquity of the practice, but infinitely more by an anxious wiſh for public tranquillity, I ſincerely hope the peerage of England will at length wiſely provide for their own permanency in our eſtabliſhment, by heartily promoting ſuch a reform, as ſhall reſtore to the people one branch at leaſt of the legiſlature as a genuine repreſentative: For, if this be not effected, what can be expected, but the worſt calamities, and their natural conſequences, convulſions and changes?

What an idea muſt we form of the ineſtimable value of our Engliſh conſtitution as eſtabliſhed before the hateful dominion of the Normans, when we ſee it gradually conquering the conquerors of the nation; and when, after the revolution of ſeven centuries, and after the labours of a *Coke* and a *Blackſtone*, of a *Locke* and a *Franklin*, we ſtill find it a ſtandard of political excellence, and a model of philoſophic imitation? Framed on the ſimplicity of nature, it is intrinſically wiſe; and ſo long as human nature ſhall have an exiſtence;—ſo long as man ſhall have an "intereſt in the juſt and due exerciſe" of magiſtracy; and ſo long as political liberty ſhall neceſſarily depend on REPRESENTATION;—ſo long ſhall this grand principle of our conſtitution immoveably "ſtand on a rock of reaſon!"

Prior to the Norman invaſion, we have ſeen that conſtitution give the people every thing;—the whole magiſtracy, the whole judicature, the whole legiſlature—all were of their own election; and, finally, for ſeal-

* See p. 27, of firſt edition. † *Blackſtone*, III. 60.

ing to them their inestimable liberties, they possessed the undivided power of choosing the whole body of military commanders, they themselves constituting the armed power of their several counties; so that for every purpose of internal peace, or of external safety, their king had every where ample means in his hands, without being himself formidable to their liberties or an object of their jealousy.

If the Saxon system were not only a system of freedom to the people, but of power to the prince, it may be asked, how *William* with a handful of Normans became master of *England?*—I answer; by the death of *Harold* the throne was become vacant; the English were accustomed, even since relationship had much strengthened a claim to the crown, to use much of their own discretion in disposing of it; the clergy, "not "thinking proper to expose their lands and repose to the chance of war, "openly rejected the advice of *Morcar* and *Edwy* to place *Edgar Athe-* "*ling* on the throne, and caballed among the people in order to hinder "his election." In short, by the influence of the clergy, "the Lon- "doners offer *William* the crown, which, with due reluctance and the "customary promises and oaths, he graciously accepts." As soon as it is known that he has been crowned in London, all the rest of *England* submits to the new sovereign, as a matter of choice: but such was their unquestionable ability to have resisted, that *Rapin*, after some observations to that effect, says, "most certainly, the more this enterprise, with "all its consequences, are considered, the more extraordinary and almost "*supernatural* it appears."* No words can more strongly express the power of *England* to have destroyed *William* and his Normans, if she had thought fit to have exerted to that end the energies of her system of government.

But after all, it must be confessed the English of that day, like those of later times, were extremely remiss in guarding their constitution. With so suspicious a pretender to the throne as this foreigner, they ought not even to have treated. The disposition he had betrayed, in asserting his ridiculous claim by the *sword*, ought to have marked him to them as an unprincipled brute, unfit to reign where there were laws and free men. They, however, were a generous, frank, and unsuspicious race; he was a crafty statesman: they, acting with the improvidence which but too strongly characterizes every human community, failed to set a right value on the best institutions until they were torn from them; he, a designing, vigilant, persevering scoundrel, used indifferently fair means or foul, promises or oaths, fraud or force, to establish, on the ruins of those institutions, an odious despotism.

And as it is very certain the military energies of *England* were not called forth on this memorable occasion; so the system itself, until corrupted by this very tyrant, had in it every excellence the best principles could bestow; and from age to age wanted nothing to give it perfection, but a mere application of the improvement in arms which from time to time came into use. And it is never to be forgotten, that the very reason why this system is, of all military systems, the most powerful, is, because civil liberty is its very soul, and that its strength is necessarily co-extensive with society itself.

Of this beautiful and beneficent system of military force and civil freedom, what do we still recognize? Of its all-pervading, all-protecting representation, how much now remains? Of its numerous gradations of delegated annual power, of its extended scale of *elections*, how much do

* *Rapin*, I. 167, 168.

the people retain?—The ſum is ſoon reckoned.—THEY RETAIN THE UNDISPUTED ELECTION OF CORONERS, TO TAKE INQUESTS ON DEAD BODIES; AND A SHARE IN THAT OF CHURCH WARDENS.* As to petty conſtables, overſeers of the poor, and of the highways, theſe are all appointed by his majeſty's juſtices of the peace; and the parochial aſſeſſors, by the commiſſioners of taxes.

On the ſubjects of electing members of parliament, nothing need be added to what has already been ſaid in this Appeal; for if it be true, as ſome affirm, that out of 558 ſeats, 424 of them are at the diſpoſal of perſons in an oppoſite intereſt to that of the people, their preſent parliamentary repreſentation muſt be like a negative algebraic quantity; or "*leſs than nothing*." While it is poſſible for ſuch an idea in any ſhape to go abroad; while there muſt of neceſſity be a very broad foundation of fact, before even exaggeration could invent ſuch an aſſertion; there can be no need to argue in favour of reform; for its neceſſity muſt be as apparent, as that the preſence of the ſun gives light, and his abſence produces darkneſs.

Boroughs made *private property* are ſeats in parliament made *hereditary*. To what does this lead? Do we want a return of that deſpotiſm *Blackſtone* ſo eloquently deſcribes? Muſt we not ſhudder at a new "ſcheme of ſervility ſo complete and ſo well concerted," that it ſhall require "the work of generations"—the labour of a thouſand anxious years—for our deſcendants "to redeem themſelves and their poſterity," into a condition of tolerable eaſe?—Hath it not been enough, that, by having its *elective* transformed into an *hereditary* legiſlature, *England* hath *once* "groaned under as abſolute a ſlavery, as was in the power of a warlike, "an ambitious, and a politic prince to create?" And having now, inſtead of an *entire* legiſlature, *annually* elected, as in antient times, only the choice *once in ſeven years* of one-fourth part of *half a parliament*,† ſhall that moiety of a parliament again be made completely *hereditary* to our deſtruction? And is it one of the preſent miniſter's claims to national confidence, that by his unbounded creation of peers, he has transferred to the Houſe of Lords, a power over more ſeats in the Houſe of Commons, than were ſo transferred by all his predeceſſors put together?

That thoſe who have a direct intereſt in ſuch an object of ambition, ſhould play off all their feints and ſtratagems to miſlead a nation they aim to enſlave,—and ſhould unceaſingly vilify *democracy* and all who honeſtly defend it, is not ſurprizing: neither is it any matter of wonder that, in order to defend corruption and ſtave off reform, they ſhould reſort to the hackneyed generalſhip of making a diverſion, by raiſing an alarm and an outcry about danger to royalty and nobility, although not an atom of all thoſe privileges and powers which they claim under the conſtitution have been violated by the people, or ſo much as touched, or attempted: theſe things, I ſay, are no way ſurprizing; but ſurely it is a juſt cauſe of ſurprize and aſtoniſh ent, that when it is matter not only of clear hiſtory, but of notorious fact, that the people have been ſtripped ſucceſſively of almoſt every ſhred of their liberties, and that the crown and the nobles have divided the ſpoil;‡ when this, I ſay, is hiſtory and fact, ſurely it is aſtoniſhing, that thoſe who ſtand at the head of the two diviſions of

* They are ſometimes appointed by the pariſh, and ſometimes by the miniſter. *Blackſtone's Com.* I. 394.

† By *half* a parliament is here meant, one of the two houſes.

‡ When we ſee how completely identified with the ariſtocracy is every borough-holding commoner, even before his hereditary patronage have raiſed him to the peerage, it muſt here be unneceſſary to mention a third claſs.

the English Democracy—THE LANDED GENTLEMEN AND THE MERCHANTS—should become the dupes of an artifice so shallow, and the deluded accomplices of their country's ruin!

Shallow cavillers may ask, what is the use of appealing to a period of our history anterior to the present form of our legislature? And the over-officious advocates of all things as they are, may insinuate that such appeals savour too much of hostility to a House of Lords. The honest and intelligent reader, who with the writer of these pages seeks only truth, will I trust think otherwise; and will likewise see the necessity of tracing upwards that constitution, which is the object of our inquiry. Where, then, are we to stop? If we stop on this side of the period called the conquest, we may as well search for the origin of our constitution in *Turkey* or *Morocco*. If our constitution and common law have the same original, and are co-eval, we must search for the former where *Blackstone* searched for the latter.

As that great writer observed of *Magna Charta*, that it "only pruned "the luxuriances of the feodal system;" * so we may observe, that the *revolution* only curbed the extravagances of prerogative: they neither of them altered the constitution. No inquirer into either the common law or constitution of *England* can possibly find a resting place for a moment until he arrive at the sound and wholesome source of both, "the laws and customs of our ancestors" the *Saxons*. It is to this source we must with *Blackstone* ascend, if we would taste the pure waters of freedom, or would discover the original storehouse of "*those principles on which the security of our natural rights depends.*"

And where is such a storehouse in the first instance to be found, but in the book called the Laws of *Edward* the Confessor? but which had before been digested by his grandfather *Edgar*, from the original collection and compilation of *Alfred*. When that king, says *Blackstone*, "succeeded to the monarchy of *England*, whereof his grandfather *Egbert* "was the founder, his mighty genius prompted him to undertake a most "great and necessary work, which he is said to have executed in as masterly a manner; no less than to new model the constitution; to rebuild it on a plan that should endure for ages; and, out of its old discordant materials, which were heaped upon each other in a vast and "rude irregularity, to form one uniform and well compacted whole. "This he effected, by reducing the whole kingdom under one regular "and gradual subordination of government, wherein each man was answerable to his immediate superior for his own conduct and that of his "immediate neighbours: for to him we owe that *master-piece of judicial polity*, the subdivision of *England* into tithings and hundreds, if not "into counties; † all under the influence and administration of one supreme magistrate, the King; in whom, as in a reservoir, all the executive authority of the law was lodged, and from whom justice was "dispersed to every part of the nation by distinct, yet communicating, "ducts and channels: which wise institution has been preserved for near "a thousand years unchanged, from *Alfred's* to the present time." ‡ He,

* *Commentaries*, IV. 438.

† The extreme *inequality* of the counties, so strong a contrast to the other parts of the system, and so inconsistent with this great legislator's ideas of *order* and *distribution*, appear to forbid our ascribing the formation of the counties to *Alfred*. More probably they were the accidental divisions of the country under the heptarchy, derived originally from the expulsion of *larger* or *smaller* tribes or portions of the Britains; and from other similar causes.

‡ But what is become of the *View of Frankpledge* and the *Muster of Arms*, which, in respect to internal tranquillity and external defence, is the soul of this system? In this branch

" like another *Theodeſius*, collected the various cuſtoms that he found diſ-
" perſed in the kingdom, and reduced and digeſted them into one uni-
" form ſyſtem or code of laws, in his dom bec, or *liber judicialis*. This
" he compiled for the uſe of the court-baron, hundred, and county
" court, the court leet, and ſheriff's tourn; tribunals which he eſta-
" bliſhed, for the trial of all cauſes, civil and criminal, in the very diſ-
" tricts where the complaint aroſe: all of them ſubject, however, to be in-
" ſpected, controuled, and kept within the bounds of the univerſal or
" common law, by the king's own courts; which were then itinerant,
" being kept in the king's palace, and removing with his houſehold in
" thoſe royal progreſſes, which he *continually* made from one end of the
" kingdom to the other." *

If, then, there be any one æra in our hiſtory eminently entitled to a preference over all other æras, for aſcertaining our conſtitution, it ſhould appear to be the reign of *Edward the Confeſſor*; ſince it ſeems certain his code of laws contained all that had been previouſly digeſted by *Edgar*, and originally collected and compiled by the great *Alfred*; of whom it was not only the god-like wiſh, " that the *Engliſh* ſhould for ever remain " as free as their own thoughts," but it was the conſtant employment of his ſublime genius, and the unceaſing labour of his indefatigable life, to ſecure to them this happy condition.

And certain it is, that, ſo far as *laws* could correct and counteract *manners*, theſe written Saxon laws, and the inſtitutions with which they were accompanied in regular annual *practice*, were all-ſufficient, for in them are found, in the higheſt perfection, thoſe eſſentials in government on which political liberty depends, — thoſe very cauſes of which alone it can ever be the effect, — complete LEGISLATIVE REPRESENTATION and ARMS-BEARING, ſecured to the community as a common right. Nothing was wanting to as full a happineſs as it was poſſible for a nation to attain, but an improvement in learning and in manners; for giving the people a turn to commerce, civility, literature and the arts; for ingrafting into their minds a ſolid knowledge of their ſyſtem of government and its ſuperior excellence, and for weaning them from the barbarous habits of war.

In the natural progreſs of ſuch a career, on ſuch admirable foundations, had not the Norman tyranny depraved the nation and poiſoned its law in the very fountains, what improvements might not have been expected in the compaſs of thoſe two hundred years which ſucceeded to the reign of the Confeſſor! What ſolidity within that period thoſe foundations muſt have acquired! and at its cloſe, what a glorious ſuperſtructure of pure Saxon juriſprudence our " Engliſh Juſtinian" might have raiſed! — And thence how pure and unadulterated would probably have flowed the ſtreams

of inquiry, our great Commentator, miſ-led by keeping his eye too much on the *practice* of the law, and the legal hiſtory of *that practice*, while he had unaccountably omitted to aſk himſelf what *is* the *conſtitution*, is lamentably deficient.

* *Com.* IV. 411. Was this itinerant Court a ſort of committee of the *wittena-gemote*? As the author, who is remarkable for the care with which he refers to his authorities, is here ſilent on them, I ſuſpect this account to be rather erroneous; eſpecially as he has elſewhere ſaid, " by the Saxon conſtitution there was only one ſuperior court of juſtice in the kingdom: " and that had cognizance both of civil and ſpiritual cauſes; viz. the *wittena-gemote*, or ge-
" neral council, [or parliament] which aſſembled annually or oftener, wherever the king
" kept his *Eaſter*, *Chriſtmas*, or *Whitſuntide*, as well to do private juſtice as to conſult
" upon public buſineſs." See III. 37. This agrees with our early hiſtorians *Alfred* in his *continual* progreſſes diligently inquired we know into the adminiſtration of juſtice; but moſt probably, on ſuch occaſions, only took an account of thoſe cauſes which were at the regular periods to be brought before the *wittena-gemote*.

of legiſlation and juſtice down to our own times; inſtead of the bitter waters of perverted law and oppreſſion, civil wars and revolutions; neceſſitating an abuſed people to "redeem themſelves and poſterity into a "ſtate of liberty" by perpetual contentions and painful degrees; and to work out, by patriot energies and patriot blood, "a gradual reſtora-"tion of that antient conſtitution, whereof our Saxon forefathers had "been unjuſtly deprived, partly by the policy, and partly by the force, "of the Norman!"*

If any part of my inquiry may ſeem to weaken the title of the Lords to the hereditary powers of legiſlation and juriſprudence, I by no means intend to queſtion that title; not thinking it either neceſſary or wiſe, to contend for more than merely a ſubſtantial ſecurity to the liberties of the people; which ſubſtantial ſecurity, in my own opinion, they would have, in caſe the reforms already pointed out were honeſtly carried into effect. Provided the people ſhould be put in poſſeſſion of the ſolid ſubſtance of their own rights, with the neceſſary proviſions for their permanency, I think it ought to be the counſel of every moral man, capable of forming a ſound judgment, not to diſturb eſtabliſhments of high antiquity, although they gave to a few individuals ſomewhat more than by ſtrict right or perſonal merit they could juſtly claim: Nor do I believe that any thing will ever induce the maſs of the people to attempt the abolition of ſuch eſtabliſhments, ſo long as experience ſhall not prove them incompatible with the liberty of a nation.

COMMENT on TEXT II.

Hereditary Judges, who have conſumed their midnight oil,—not in thoſe ſeminaries of legal knowledge, the Inns of Court, but—at the Opera; and *hereditary Legiſlators*, who have ſtudied—not in their libraries, but—in their ſtables and dog-kennels; are inconſiſtencies ſo groſs as to bring reproach and ridicule on the Engliſh conſtitution; which, however, we find is not in fact anſwerable for any thing ſo incongruous.

It is on this occaſion curious to obſerve, of how little avail are parchment laws againſt the power of the ſword. Notwithſtanding *William* affected to claim the crown under the will of *Edward* the Confeſſor; and only to reſort to arms againſt *Harold*, whom he called an uſurper; and to be the *conqueror* of that king only, and not of the Engliſh people; and notwithſtanding we ſoon after ſee him meet in *Wittena-gemote* † the elected wiſe and learned men of the realm, and in conjunction with them confirm the laws of *Edward*, which was in fact to ratify *the Engliſh conſtitution as declared in thoſe laws*; yet, how ſoon do we ſee him confiding in the power of the ſword, and in corrupting the great men, *by converting their elective into hereditary honours and power*, tear up the whole conſtitution by the roots!

Blackſtone, in c. 33 of his 4th book, is very copious on the havoc made in the laws and cuſtoms of our anceſtors by this Norman invader; and, in truth, it is to this bitter ſource we owe all the arbitrary maxims which

* *Blackſtone's Com.* IV. 420.

† It ſhould ſeem that to be elected a *Baron* or Preſident of a *Trithing*, a certain landed eſtate was a neceſſary qualification; and to be choſen an *Earl* or *Heretoch*, with the preſidency of a *county*, an eſtate ſtill larger was requiſite. "The Earl," ſays *Dr. Gilbert Stewart, in his Hiſtorical Diſſertation on the Antiquity of the Engliſh Conſtitution*, 2d Edit. p. 236, "was *elected* from among the number of the *great*, and was above the temptation of a bribe." And as nothing can be more probable, than that the ſame perſons would often continue to be elected from year to year, ſo we not only get an idea of the *Wittena-gemote* conſiſting of *great* men, but may eaſily have been miſled into the notion of their having been *hereditary*.

ever crept into our laws or government, and from which it is much to be queſtioned, whether they will ever be completely purged. "The nation "at this period," ſays the great *commentator*,* "ſeems to have groaned "under as abſolute a ſlavery as was in the power of a warlike, an ambitious, and a politic prince to create. The conſciences of men were "enſlaved by four eccleſiaſtics,† devoted to a foreign power, and unconnected with the civil ſtate under which they lived; who now imported from Rome, *for the firſt time*, the whole *farrago* of ſuperſtitious "novelties, which had been engendered by the blindneſs and corruption "of the times, between the firſt miſſion of *Auguſtin* the monk, and the "Norman conqueſt; ſuch as tranſubſtantiation, purgatory, communion "in one kind, and the worſhip of ſaints and images; not forgetting the "univerſal ſupremacy and dogmatical infallibility of the holy ſee. *The "laws too, as well as the prayers, were adminiſtered in an unknown tongue.* "The antient trial by jury gave way to the impious deciſion by battle. "The foreſt laws totally reſtrained all rural pleaſures and manly recreations. And in cities and towns the caſe was no better; all company "being obliged to diſperſe, and fire and candle to be extinguiſhed, by "eight at night, at the ſound of the melancholy *curfeu*. The ultimate "property of all lands, and a conſiderable ſhare of the preſent profits, "were veſted in the king, or by him granted out to his Norman favourites; who, by a gradual progreſſion of ſlavery, were abſolute "vaſſals to the crown, and as abſolute tyrants to the commons. Unheard-of forfeitures, talliages, aids, and fines, were arbitrarily extracted "from the pillaged landholders, in purſuance of the new ſyſtem of tenure. And, to crown all, as a conſequence of the tenure by knight's-ſervice, the king had always ready at his command an army of ſixty "thouſand knights or *milites*; who were bound, upon pain of confiſcating their eſtates, to attend him in time of invaſion, or to quell "any domeſtic inſurrection."

Here it is very natural to obſerve, that whether our conſtitution be, or be not, that happy union of monarchy, ariſtocracy and democracy, for which it has been ſo much extolled, it muſt now on the cleareſt evidence appear, that, in a moſt important point, it was not the effect of wiſe contrivance, or free choice, on the part of the people; for it ſeems, that the original creation of the Houſe of Lords, ſo far from being *an immemorial point of national agreement*, was the ſole act of a tyrannical conqueror, for the very purpoſe of enſlaving the people; by giving *perpetuity* to the higheſt of their military commanders, who at the ſame time were their judges and their *legiſlators*; and who, until that period, had been *annually elected* by THE PEOPLE. Thus, at one ſtroke, the ſavage Norman tore from the people the whole of their legiſlative repreſentation, and conſequently *every atom of their political liberty*.

COMMENT ON TEXT III.

By theſe references to antient laws ſtill extant, we have a clear ſolution of an hiſtorical difficulty which has occaſioned much controverſy; and a moſt ſatisfactory light is now thrown upon our conſtitution. By the wretched advocates of arbitrary power, it has been moſt pertinaciouſly contended, as if it made for their cauſe, that the *Commons*, in antient times, had no ſhare whatever in the government, nor any *repreſentation*

* *Com.* IV. 418.

† "Italian and Norman prelates" imported by the king. *Ib.* 415.

in the legiſlature; and as, prior to the 49th of *Henry* III. no election *writs* are to be found, although the Wittena-gemotes and Parliaments were allowed to have been held in earlier periods, it has been thence firſt taken for granted, and then maintained, that the *Earls*, *Barons*, *Biſhops*, *Nobles*, and *great Men*, of whom thoſe national councils are ſaid to have conſiſted, muſt have ſat in their own right; eſpecially as the *writs* ſpeak only of *Knights*, *Citizens*, and *Burgeſſes*, &c.

But when, with *Blackſtone*, we remark that the conqueſt "wrought as "great an alteration in our laws as it did in our antient line of kings"* (which it wholly ſet aſide); inverting the very firſt principle of our government, by making the crown, inſtead of the people, the fountain of honour and of power; and even laying down that monſtrous maxim of tyranny, "that all the lands of *England* were derived from, and holden, "mediately or immediately, of the crown;"† we muſt not be ſurprized that when, at length, it was found convenient to reſtore to the people a legiſlative repreſentation, it ſhould be in the perſons of a new deſcription of men; becauſe the titles or deſcriptions of magiſtrates, which, in the Saxon times, the annual elections of the people had been uſed to confer, were now, as already explained, become hereditary; and hence it is we find the people's repreſentatives in the Saxon Wittena-gemotes, and in the future parliaments, under titles or deſcriptions wholly different one from the other. Nor need we be ſurprized that the annual elections of our Saxon anceſtors ſhould create "*Lords*," when we recollect that the citizens of *York* and the livery of *London*, to this day, annually confer the title of "*Lord*" on their reſpective Mayors; the latter of whom for the year is alſo ſtiled "Right Honourable."

In thoſe times, when the people themſelves were the fountain of honour and power, and when by the law of the land they regularly proceeded to their annual elections on *one certain day* in the year, as a thing of courſe, and when the Wittena-gemote alſo aſſembled at *certain ſtated times*,‡ it is in the higheſt degree improbable, nor can I believe, that any *writs* at all were in uſe, becauſe they were unneceſſary. And it is worthy of remark, that the crown by thus artfully, but unconſtitutionally and illegally, aſſuming it as its prerogative, to call parliaments at its own diſcretion and by its *writs*, got rid of their ſuperintending eye again as ſoon as the immediate buſineſs for which they were aſſembled was diſpatched: and we accordingly find two, three, and even four new parliaments thus called in one year. It was not ſo with parliaments prior to the Norman deſpotiſm—the Saxon *Wittena-gemote*;—which, like all the other magiſtracies of our free anceſtors, was wiſely permanent for a whole year; having its ordinary ſittings on a certainty, whereby it had the means, not only of performing its regular duties of legiſlation and judicature, but of preventing or controuling the abuſes of regal power; and having likewiſe its occaſional meetings on extraordinary occaſions.

Having performed, with the ſeaſons of Nature, its revolution; and watched over the winter and the ſummer, the ſeed-time and the harveſt;—within the compaſs of which periods an all-wiſe Deity provides for all human wants—the Saxon parliament, like the year itſelf, expired, and was renewed by its creator, the people.

* *Com.* IV. 414. † *Ib.* 418. ‡ *Com.* I. 148.

SECTION XIII.

IF this work have been read with attention, and with an honeſt mind, the writer flatters himſelf, it will not be thought by his reader a very difficult taſk, to defend the cauſe of reform from any attack that can be made upon it. He has it now to defend from an aſſailant who, he doubts not, will be allowed the praiſe of much genius and more learning, as well as of ſome wit. He ſpeaks of the author of "*The Purſuits of Literature*, "*a ſatirical Poem;*" a writer, whoſe ſtrictures, *in ſome caſes*, beſpeak at once the ſcholar and the gentleman; ſo that he doubtleſs will acquire ſome reputation as a *claſſic* of erudition and taſte, although he has not been ſo careful of that reputation as he ought to have been.

How our ſatiriſt ranks as a poet, I leave to the poets, and to the critics in poetry, to determine; but none I am ſure will deny him the merit of being an *alarmiſt* of the firſt water; the very mantle of the prophet *Burke* appearing to have fallen on him, and thrown him into a *panic* fright. And it is, therefore, perfectly in character, that he calls in the aid of "the poet of *Pan*-opolis," or "the city of *Pan*, when he claims "excuſe and indulgence for his expreſſions." IV. cxi.*

The word *panic* is derived, it ſeems, from Lieutenant-General *Pan*, originally a promoter of revolutions, and afterwards a ſtaunch friend to monarchy. He was the moſt notable *alarmiſt* of antiquity; and had the faculty of ſhouting in the ears of a nation, in as great perfection as even *Edmund Burke*; and thus it was he cauſed "*conſternation to ſeize on men's* "*fancies without any viſible cauſe.*" By this ſtroke of generalſhip, he ſaved his general *Bacchus*, the *antient* god of wine, and his army, from being defeated by an enemy of infinite ſuperiority of force; whereby that general was enabled to revolutionize *India*. When *Pan* was after-

* "Look in Germany, in Belgium, in Italy, in Spain, in the iſles of the Eaſtern or of "the Weſtern Archipelago; caſt your view, broad and unreſtrained, from the dominions of "the Porte to the banks of the Ohio or the Miſſiſipi, not a ſtate, not a fortreſs, not a work, "not a fragment of nature or of art, not a cliff, not a torrent, not a precipice, but has felt the "ſhock and impulſe of revolutionary terror. *Abyſſus abyſſum invocat!* One deep has "called upon another, the winds have blown the ſignal of encounter, and the cataracts are "roaring and conflicting; or, in the reſounding language of the poet of Panopolis,

"Συνερχομενων νηφιον μυκητορι βρομῳ
"Βρυουσιν ὑαρυδινοο εὐρωεσιν ὁμαδος· ηχω!

"I muſt claim excuſe and indulgence for my expreſſions. My mind is either borne down "or hurried away with the terrors of impending deſolation, and the overthrow or confuſion "of fixed, regulated, eſtabliſhed government," (IV. III.) AND ITS ROTTEN BOROUGHS. "If I could conceive a being of leſs political ſignificance than myſelf, I would call even on "him for aſſiſtance." (IV. 112)

Is this the language of a man to be looked up to, as a pilot in ſuch a ſtorm of action and opinion? — From a panic-ſtricken *alarmiſt*, with "a mind borne down by terrors, or hurried "away" by prejudice or paſſion, what have we to expect, but that his extreme dread of the *Scylla* of violence ſhall "hurry him away" into the *Charybdis* of falſe principles? Or that when he flees in diſmay from the terrors of democracy, he will be caught in the whirlpool of borough corruption?

Pilots of another ſort are now wanting: Men who can look upon oppoſite dangers, and upon this conflict in the elements of mind, with ſteadineſs and compoſure; and not without a directing knowledge in the ſigns of the times: men who are not, through unmanly apprehenſions of one ſpecies of evil, to be terrified into any other; but who, with the chart of the conſtitution before them, and confident of the courſe to be ſteered, can in ſucceſſion, with equal firmneſs and ſafety, approach and paſs monarchy, ariſtocracy and democracy, corruption and reform, old principles and new, and every rock and every ſhoal, ſeen or hidden, which lies in the path of their political navigation; which rocks and ſhoals ſo paſſed, become the very defences of the haven of liberty and happineſs, into which they ſhall have conducted the veſſel of the ſtate.

wards created a peer of Heaven, he, by his happy talent at inſpiring terror, ſaved his brother gods and the monarchy, by "*frighting all the* "*giants that made war upon Jupiter.*" For theſe facts, the lovers of "plain hiſtorical knowledge" have nothing to do but to conſult *Bailey*'s Dictionary.

The foregoing explanation well accounts for an otherwiſe unaccountable prejudice, with which our ſatiriſt always ſpeaks of *reform*, — as if to reform were not neceſſarily a part of rectitude; and for a certain illiberality and acrimony whenever *democracy*, or any thing *popular*, comes in his way, — as if *democracy* were not the very vital part of the Engliſh conſtitution, and as if the moment our government ſhould ceaſe to be *popular*, it muſt not degenerate into ſomething deſpotic and odious: and from the infatuating influence of this *Burkean* mantle it is, that, when political reform is the ſubject, both the eloquence of a *Chatham*, and the claſſic acumen of a *Junius*, are thrown away upon him.

On the ſubject of parliamentary reform, towards the condemnation of which our ſatiriſt has made many learned attempts, the writer of this Appeal inclines to think, we ſhall find as ſafe a guide in humble proſe as in high-ſoaring poetry; and that Engliſh common law, and Engliſh common ſenſe, will ſtand us in as good a ſtead, as Latin learning, or Greek philoſophy. Far be it from him to undervalue either learned accompliſhments or poetic genius; but as our poet happens to know no more of the true frame of the *conſtitution* than a certain ſtatuary did of the true make of a *ſhoe*, the writer may be allowed to play the cobler critic, only juſt to ſhew when the learning is miſapplied, and the poetry out of its place. By ſuch trifling corrections, he cannot detract from the fame of ſo great a writer; for, to the genius of ſculpture or of poetry, what is a *ſhoe* or a *conſtitution?* — No marble ſtatue feels the ſhoe pinch; nor do poetical numbers flow with leſs freedom or felicity, becauſe of the ſhackles in which political liberty is conſtrained to move. The pinching of the ſhoe, and the galling of the ſhackle, are only uneaſy to fleſh and blood. That the ſame perſon may have a taſte for *poetical* and none for *political* liberty, we ſee remarkably inſtanced in our ſatiriſt; who, in his practice, aſſerts the former, while in his writings he treats the other with contempt, and even hatred. "In the proviſions," ſays he, "of that "moſt important, and *I wiſh I could ſay* perpetual act (paſſed in 1795) "for preventing ſeditious aſſemblies, &c. &c. *

Even very moderate genius will inſure admirers to a *ſatiriſt*; and if he fall in with the intereſts of a ruling faction, the groſs prejudices and pride of its principal ſupporters, and the want of political virtue in the diſſipated circles of faſhion, he cannot fail of circulation and celebrity. This will render even the miſtakes of ſuch a writer dangerous; but if he deſignedly exert his talents ſtill farther to corrupt that want of virtue, to aggravate that pride and thoſe prejudices, and to promote thoſe miſchievous intereſts; he who ſhall ſucceſsfully oppoſe him in ſuch attempts will deſerve well of his country.

To the writer, our poet, when on *conſtitutional* ground, ſeems to be out of his element; and to this cauſe it is, added to the prejudice and the bitterneſs of your true *alarmiſt*, he attributes an emptineſs of ſenſe in his epigrammatic ſayings; an uncommon ignorance under his dogmatic diction; and a miſchievous tendency in his unlogical reaſoning —— Our poet having, like *Virgil*, political objects in view, and his *Octavius* to gratify, has been careful to improve upon the Mantuan, by tacking to

* See the Comment on that Act, in this Appeal, Part II. Sect.

his poem voluminous notes of explanation; but yet, notwithſtanding an ell of this explanatory proſe to every inch of his inſpired poetry, I am conſtrained to ſay of our Engliſh ſatiriſt, whenever he treats on a certain ſubject, what the truth-hunting *Iſrael Lyons* ſaid generally of the Latin bard:—"HE PROVES NOTHING."——I hope I am not ſuch a ſinner againſt the muſes as this wicked mathematician; on whom I think his friend (at whoſe inſtance he had read the poet, and to whom he made this report) might have retorted, 'yes, Iſrael, he proves thee a taſteleſs 'blockhead.'—I can, indeed, and do, admire much of the poetry, and ſome of the ſatire; but ſtill I ſay, our Engliſh poet "proves nothing" he means to prove on the ſubject of *reform*. I ſhall not, however, by any means deny, that he ſpeaks moſt truly when he ſays, "thoſe whom I *wiſhed* to pleaſe, I have pleaſed;" for *pleaſing* and *proving* are very different things; eſpecially when you have to deal with *alarmiſts*, who wiſh to be pleaſed, and are very eaſily pleaſed, with any jingle of words intended to ſooth their prejudices.

But I will no longer detain my reader from a few ſpecimens of what one of the moſt learned champions of the influence, alias the corruption "which now is," (III. v.) and one of the moſt brilliant adverſaries of *reform*, has to ſay for himſelf. In doing this, I ſhall be careful to let him ſpeak in his own words, as POET; while I, as APPELLANT, preſent a counter-criticiſm.

POET. "We have been told with effrontery and with falſehood, "that the conſtitution of *England* exiſts only in the imagination; yet "we may read *the bill of rights*." (IV. cx.)

APPELLANT. This is clearing up a difficulty with a witneſs! Inſtead of telling the objector, *Thomas Paine*, what the *conſtitution* is, and where to find it, our Poet produces the *bill of rights*, which that writer calls a *bill of wrongs*, and there he leaves the queſtion. Whether ſuch an explanation was intended to *pleaſe or to prove*, I leave to the ſagacious reader; as I am too dull to extract from it either pleaſure or knowledge. Had the queſtion been diſcuſſed by the deputy recorder of the borough of Boſton, it could not have been left more in the dark: Perhaps the *learned* recorder learned of this learned Poet to talk of the "PRESENT "*conſtitution*." (IV. vii. ix. and cxiv.) See the Appeal, Part I. Sect. V.

POET. "The preſent poem was not compoſed for a trivial purpoſe, "or without *mature thought*. It is the *fruit* and *ſtudy* of an independent "and diſintereſted life, paſſed without the incumbrance of a profeſſion "or the embarraſſment of buſineſs." IV. xi.

APPELLANT. From the *mature thought* and *ſtudy* of a learned man of leiſure, and a child of the muſes, we are either to expect the *fruit* of correct knowledge and logical proof; or at leaſt of luminous information, which at once enlightens, charms, and convinces. Whether or not my diſappointment in theſe reſpects has been the effect of my own ſtupidity, or of our Poet's forgetting to diſplay his knowledge, his proofs, or his information, the reader muſt preſently decide.

POET. "It was not intended merely to raiſe a ſmile at folly or con-"ceit; but it was written with *indignation* againſt *wickedneſs*, againſt *the* "*proſtitution of ſuperior talents*, and the *profane violence* of bad men." IV. xiii.——*Why did not the Poet add*, AND AGAINST REFORM?

APPELLANT. All theſe motives have alſo moved the Appellant to exerciſe his pen *in favour of reform*, which he conceives to be the only

means of defeating the "wickedneſs," and preventing "the prophane violence of bad men," of whatever political party or faction they may be. To counteract ſuch men, by quaſhing political reform, is a new light, at leaſt as extraordinary as any which have emanated from that French philoſophy, which gives our poet ſo much diſturbance. I ſuſpect it to be a light of that kind, which, in the evening of a conſtitution, dances before the deluded purſuer till it leaves him in a bog.

POET. "My prime objection to any propoſed miniſtry of Mr. Fox "and his adherents, is this: I BELIEVE their *principles* are *too popular* for "the good, the ſafety, or perhaps for the exiſtence of this country un-"der its *preſent* conſtitution." (IV. vii.)

APPELLANT. Hear it, ye houſeholders of England, who ſupport the burthens of the ſtate with your *property*, and are to defend it with your *lives*, that the ſtateſman who has declared he will accept of no office under the crown, unleſs *you* ſhall be reſtored to the poſſeſſion of that ſacred birth-right, by which alone you can be free, is to be proſcribed for holding principles "*too popular!*"——If this be *knowledge* of the Engliſh conſtitution, pray what is *ignorance?* If this be *friendſhip*, what is *enmity?* And if this be *ſatire*, what is *panegyric?*

The Poet has taken good care not to expoſe himſelf to the reproach of principles "*too popular*;" for though he is not ſparing in his attentions to our "conſtitution in church and ſtate;" (III. ii.) nor to actions and writings which "tend to influence and affect the learning, "the government, the religion, the public morality, the public happi-"neſs, and the public ſecurity of this nation;" * and although he ſpeaks of "his COUNTRY, which he loves with ardour unabated;" (III. iii.) of "the conſtitution ſacred and civil *which now is*;" (III. v.) and of "that form of government and laws, which being juſt in their princi-"ple, temperate in their effects, and merciful in their execution;" and although he remarks, that "we have indeed more to preſerve than any "other country under heaven;" (IV. ix.) that "the ſtability of our "*preſent* conſtitution is the ſole ſtability of all *property*;" (IV. ix.) and even declares that "he venerates the inſtitution of the Houſe of Commons;" † (IV. xii.) yet not once in his whole work have I obſerved that he has diſtinctly noticed A PEOPLE, or POLITICAL LIBERTY, either in word or idea. He has indeed once or twice ſpoken of "a ba-"lanced liberty," or liberty in a general ſenſe; but the ſenſe is ſo general, and this "balanced liberty" is ſo totally undefined and unexplained, that he ſays no more than is perpetually ſaid both by thoſe who know not in what political liberty conſiſts, and thoſe who never name but to undermine it.

POET. "I BELIEVE that their deſign is to throw ſuch a weight of "power into the Houſe of Commons, *by means of a reform*, as *would* ul-"timately mould *the two* houſes of parliament not merely into a reſem-"blance, but into the actual form and relative power of the Council of "Five Hundred, and the Council of Antients." (IV. vii.)

APPELLANT. When in ſupport of a ſhallow opinion, we look for the fruit of the "*ſtudy*" and "*mature thought*" of our learned Poet, on a queſtion touching the conſtitution, we are fobbed off with an "I "BELIEVE," and an inſidious *inſinuation*, raked out of the rubbiſh of a

* General obſervations, prefixed to more parts than one of the poem.
† Perhaps he forgot to add the words "*which now is*."

fraudful alarm, which is ſtill the torment and the opprobrium of our age and nation.—

POET. "And I AM OF OPINION, that the authority and influence "of the crown of Great Britain would be reduced far below that which "is lodged in the Executive Directory of France." (IV. vii.)

APPELLANT. *Who* is of opinion?—AN ANONYMOUS SATIRIST; and one who himſelf ſays, "I confeſs, that I am not ſuch a deſperate "lover of what is brought to me for *abſtract political truth*, as never to make an inquiry into the *character* of the propoſers of it, "their *perſonal* "views, and the *men and meaſures* with which they are connected." (III. iii.) Here we ſee the modeſty of a Poet, who ſays, "I'll write with *learning* what I *think* with *eaſe*." (I. xii.) The gentleman cannot, we perceive, truſt to his own *learning*, nor to an underſtanding which *thinks* with ſo much *eaſe*, for judging of an "*abſtract political truth*," unleſs he knew the character, views, and connections of him who offers it; but when he himſelf—the learned unknown—is pleaſed, inſtead of an *abſtract truth* of ſcience, to give us an *ignorant opinion*, that, it ſeems, is ſufficient. The learned gentleman forgets to inform us, in what reſpect "*the authority and influence of the Executive Directory of France*" is too SMALL.

POET. "I THINK the propoſed reform leads beyond a controverſy "to this iſſue." (IV. vii.)

APPELLANT. Alas! poor gentleman, 'tis plain enough he is here only talking by way of ſaying ſomething, but does not *think* at all; or he ought to know, that *the freedom of the people is the ſtrength of the crown*. What made *England* alone a match for the united *monarchies* of *France* and *Spain*, ſo infinitely her ſuperiors in population, territory, ſituation, ſoil and climate? It was the comparative degree of *liberty* in the oppoſed countries, which made all the difference. What, then, ought to be the conduct of *Engliſh* ſtateſmen, when they ſee eſtabliſhed in *France*, a conſtitution founded on *the principles of political liberty*? Can they vainly hope to excuſe their ſhameful neglect, by the ſhallow foolery of heaping on the French *conſtitution* as much abuſe and ſcurrility as they have beſtowed on *the perſons exerciſing the powers of government*? Although *inexperience* of liberty, *ignorance* in the ſcience of government, and the *vices* of ruling men, may, for the preſent, expoſe *France* to much cenſure, yet he is no ſtateſman who does not know, that *ſuch a conſtitution will work a change*, and give a vaſt increaſe of *permanent energy* to the nation.

POET. "I AM OF OPINION that a great perſonage, in the caſe of a "change of *Mr. Pitt's* miniſtry, muſt be apprehenſive, *to whom* he is to "be *delivered*; and to *what* he may be *reduced*." (IV. vii.)

APPELLANT. Let us ſtrip this language of its flimſy veil, and examine its palpable meaning. The paragraph begins with an "objection to any propoſed miniſtry of *Mr. Fox*," and with a reprobation of *parliamentary reform*. The inſinuation, therefore, is this: If the Houſe of Commons, by means of a reform, ſhould become the real and ſubſtantial repreſentative of a free nation, it would ceaſe to ſupport the miniſtry of *Mr. Pitt*, and it would, by means of its power over the public purſe, contrive to influence the king to make uſe of the miniſtry of *Mr. Fox*. Can there be penned a ſtronger ſatire on *Mr. Pitt*, or a higher panegyric on his rival?—If this be what the ſatiriſt calls *delivering* a great perſonage into the hands of a miniſter, let him tell us who *delivered* his

Majeſty into the hands of *Mr. Pitt.*—Was it the independent repreſentation of a free people, or thoſe vile canker-worms of the ſtate, the borough faction?

The ſtrength of a Houſe of Commons is in *the power of the purſe.* The Appellant and all true reformers ſay, this power ought to be in the hands of men, fairly choſen by, and truly and ſubſtantially repreſenting, *the nation.* The anti-reformers, who inſidiouſly labour to keep the purſe of *England* in the hands of the deſpicable borough faction, have not the effrontery to ſay otherwiſe, and they dare not meet the queſtion fairly: but they miſcall, and miſrepreſent reform and reformers, in the ſillieſt and groſſeſt manner; and the very wittieſt of the tribe, from *Soame Jennings* down to the preſent poet, when they lend their genius to this infamous cauſe, are compelled to talk nonſenſe that would ſcarcely be endured in a waſher-woman over her tub.—On the ſubject of *repreſentation*, I cou'd even quote *nonſenſe*, rank nonſenſe, from the works of EDMUND BURKE.

My reader will pleaſe to obſerve, I have not culled the laſt five paſſages on which I have commented from *different* parts of our author's work, where inadvertency might have ſcattered improprieties; but theſe five quotations are, in the original, undivided, making part of a note. (IV. vii.)

As our ſatiriſt acknowledges "we are no longer in an age of *ignorance*," (IV. ii) he muſt, methinks, have been idle enough in the ſearch after *knowledge*, not to have picked up one ſolitary *argument*, in ſupport of his attack on reform; which would have been full as acceptable as all this empty conſequential egotiſm of, I believe;—I think;—I am of opinion. Truly, truly, good Sir, you never was more miſtaken: you neither *believe*, nor *think*, nor have any *opinion* on the ſubject; but have merely expreſſed your WISHES. He that "writes with *learning* what he *thinks* with *eaſe*," whenever he do *believe*, do *think*, or have an *opinion*, will not want words to convey his *knowledge*, or to give a *reaſon* for the faith that is in him.

POET. "The ſecurity of *property*, public and private, *is* ſhaken by "the *propoſed* ſyſtem, (IV. vii.)

APPELLANT. Now we have bold *aſſertion*, but ſtill *no* argument. I have on the contrary given, as I think, unanſwerable *reaſons* to prove, that it is the *preſent* ſyſtem which ſhakes the ſecurity of all property; and as our brilliant poet, and luminous writer of explanatory notes, is pleaſed to leave us in the dark, as to the grounds of his aſſertion, I muſt be content to reſt on thoſe reaſons. See p. of this Appeal.

POET. "And a revolution (which we never *yet* have known but in "mere *name*) might then be at hand. (IV. vii.)

APPELLANT. I will not quarrel with a poet about a "mere name," although he is not pleaſed to furniſh us with any other, for that which all mankind have conſented to call a revolution, and which King *James II.* to his coſt, found to be *a great revolution* to him and his family, whom it deprived of a throne: but if there were, in 1688, no revolution, how came our poet by his "PRESENT conſtitution?" I have before obſerved that, 'not even at the revolution was the *conſtitution* changed, or pretended to be changed'; † and as the only proof of our having any conſtitution at all which our author produces, is the exiſtence of the *Bill of Rights*, which did *not* exiſt prior to 1688, if he now deny that any revo-

† Firſt edition, p. 31.

lution happened, there must be even more ignorance and nonsense than I was before aware of, in talking of our "PRESENT constitution."

POET. "The example of a very learned, and, in my opinion, of a "very *virtuous* and *honourable* man, *to whom the country is under some ob-* "*ligation*, *Mr. Reeves*, will deter any man from volunteer effusions in fa- "vour of any minister. (IV. viii.)

APPELLANT. This satirist, I perceive, has not only the usual acuteness of the brotherhood, in the catching of *folly* and the detection of *vice*, but he is also remarkably sharp-sighted in the perception of *virtue* and *honour*, which he can discover in whatever the House of Commons thought "the prostitution of superior talents," for writing down the constitution of England; and in "volunteer effusions" to aid ministers in silencing all opponents, by the odiousness of a system of terror, and the infamy of a plan of espionage, to be interwoven with the very texture of society.

POET. "It would not be amiss, to be sure, if Mr. *Reeves*, or any "other writer, would read *Quintilian* on *tropes* and *metaphors*, &c.

"For my own part, when his pamphlet, the Thoughts on the English "Government was published, I never felt more *indignation* than when I "saw this gentleman ungenerously and shamefully abandoned and given "up by *Mr. Pitt* in the House of Commons to the malice of his avowed "enemies, and to a criminal prosecution in the court of King's Bench." (IV. viii.)

APPELLANT. In publishing the doctrine, that the two houses of parliament might be *annihilated* without *destroying* the English *constitution*, our very impartial satirist, it seems, can find nothing to censure; and the only blame he appears to lay at the door of the publisher of this doctrine is, that he expresses himself in "tropes and metaphors." For the "*indignation*" he feels on this occasion, contrary to his usual custom, he *does* give us a *reason*; and it is, *because Mr. Pitt does not protect from the lash of the law*, and by *the strong shield of ministerial power*, the man who *falsely* maintains that "the English constitution is a *monarchy*; the mo- "narch is the antient stock from which have sprung those goodly "branches of the legislature, the *lords* and *commons*,* that at the same "time give ornament to the tree, and afford shelter to those who seek "protection under it. But those are still only branches, and derive their "origin and nutriment from their common parent;† they *may be lopped* "*off, and the tree is a tree still*,‡ shorn indeed of its honours, but not like "them *cast into the* fire."

Now it could not be *opposition* who consigned *Mr. Reeves* to "a criminal prosecution," for every one knows the impossibility that *they* should carry such a vote; besides, it is well known that *Mr. Fox* and *Mr. Sheridan* both spoke against such prosecution. The minister and his majority therefore, it is plain, thought the work a libel, and, having the choice, whether to move a condemnation of it in their own house, or to consign it to the Attorney General: we know the choice they made, and the consequence of it. Upon due inquiry, I believe it will appear, that *Mr.*

* In respect to the *Commons*, totally *false* again; and in respect to the *Lords*, partly so. They in fact *sprung* from the people, but were bribed over and *deserted* to, the crown; as I have shewn in the preceding Section.

† More *falsehood*.

‡ That is, "the constitution" still exists, which is as *false* as the rest.

Reeves, inſtead of having been abandoned by *Mr. Pitt*, and given up to the malice of his avowed enemies, has been *rewarded by a lucrative place*.

This muſt be very grateful to our virtuous ſatiriſt, who has proved to us his pious reſpect for "the conſtitution *that now is*;" (III. v.) and that he feels in particular a veneration for "the inſtitution of the *Houſe of Commons*;" (IV. xii.) for to be ſure it muſt be extremely pleaſing to a gentleman who tells us of "the labour he has exerted, to *underſtand*, and *preſerve*, the laws, the ordinances, and the government of his country," to find that the learned author of the doctrines I have quoted, has had due attention at laſt paid to his merit.

POET. "I ſpeak from awful and trembling conviction, OUR RUIN "CAN BE EFFECTED BY POLITICAL REFORM ALONE, and our ene-"mies at home and in France know that I ſpeak the truth. We in "Great Britain, who are yet in a condition to preſerve ourſelves, ſee, "and read, and feel theſe things." IV. x.)

APPELLANT. Still round pompous aſſertion, without a ſhadow of proof; and puerile opinion, without an attempt at argument. At any other than a period of ridiculous alarm and ſhameful panic, to talk of *reform* as the cauſe of *ruin*, would be to drivel nonſenſe no man would have the patience to hear. But I have not the leaſt doubt of ſuch ſtuff having pleaſed thoſe whom the poet "wiſhed to pleaſe." (IV. xxx.)

POET. "The grant of one demand leads *neceſſarily* to another, when "any material alteration in a ſtate or government is *conceded*." (IV. x.)

APPELLANT. Ergo, King *John* was wrong, when he conceded his tyrannical vexations and ſigned *Magna Charta;* and parliament was wrong in more than thirty times confirming that conceſſion. For the character of that policy which refuſes a *juſt* demand, under pretence that an *unjuſt* demand may follow, I ſuppoſe we muſt ſeek in the hiſtory of *Laputa*. That a *ſatiriſt*, of all men, ſhould preach ſuch a doctrine, is moſt extraordinary; for he ought to know, that its egregious folly and ſtupidity have been expoſed to contempt, in as fine a piece of ſatire as ever was written; I mean Dr. *Franklin*'s "Rules by which a great Empire may be "reduced to a ſmall one." Who can recollect that Eſſay, and not be aſtoniſhed at the inſanity that has prepared *Ireland* to follow the example of the *American Colonies* at her firſt opportunity?

POET. "A government which once *relaxes*, is not eaſily recalled to "the vigour of *its antient principles*." (IV. viii.)

APPELLANT. It ſeems ſomewhat ſurprizing that, when a man gets *out of his element*, he is not brought to a ſenſe of his condition, by ſome ſuch ſenſations as may be ſuppoſed to inform the inſtinct of a calf in a fiſh-pond, or of a fiſh in a bird-cage. As conſtitutional knowledge is not *the element* of our poet; and as

> To HURD, not PARR, his Muſe ſubmits her lays,
> *Pleas'd with advice*, without a luſt of praiſe;

It is pity he did not, before publication, ſubmit to our conſtitutional prelate, not only his *lays*, but his *notes*. A biſhop who ſays "Though "the principles of nature and common ſenſe do fully authorize reſiſtance "to the civil magiſtrate in extreme caſes,"* would inform our poet, that a government, if it be in *error* and in the practice of *oppreſſion*, will ſhew its wiſdom and its wiſh of rectitude, by *relaxing* in time. A government

* *Hurd's Moral and Political Dialogues*, II. 85, *4th Edition*.

that is never to *relax*, muſt needs be *infallible*. The biſhop could not have given the poet better political *advice*, than to have blotted out his nonſenſe; and good advice from ſo reſpectable a quarter, I hope, would have *pleaſed* him.

But one word more on this advice—'*not to relax*.' In an *Engliſh* politician, and ſo recently after the American war, more ſhallowneſs and imbecility can ſcarcely be imagined than is conſpicuous in this counſel, coupled as it is with a reference to the French revolution.—It is the folly of a mind on which experience itſelf is thrown away:

1ſt. It counſels the king to look for inſtruction to what has happened to a throne which reſted on a foundation totally different from the foundation of that on which he ſits; and it teaches him to diſregard what has happened *in his own empire* and *his own reign*;—to HIM, ten thouſand times more applicable and inſtructive.

2dly. It artfully draws his obſervation to a caſe, where the tyranny of a government, *grown old and decrepid in deſpotiſm*, had gone to an extreme of miſgovernment, which made *relaxation* without danger to that deſpotiſm impoſſible; and it as artfully diverts his attention from *his own caſe*, in which the timely *relaxation* of a free government from *one erroneous maxim* of policy, would have prevented a ſeven-years war, and a national calamity of great magnitude, and I fear of increaſing preſſure with its continuance.

3dly. It labours, by all the tricks of colouring and deception, and by cunningly touching predominant paſſions, to excite an alarm at an awful revolution in *France*, which was *not* produced by a voluntary, a gracious, an healing, and wiſe *relaxation*; but by an involuntary, ungracious, helpleſs *ſurrender*, the effect—not of wiſdom, but of neceſſity; at the ſame time that it is diſhoneſtly ſilent on the warning, which ought to be unceaſingly drawn from the inſtructive revolution in *Engliſh America*,—a revolution which deprived his majeſty of an immenſe dominion, and an unexampled glory; and which was confeſſedly the conſequence of the very advice now given, of—'*not to relax*.'

It is, indeed, a ſevere trial of patience, to witneſs ſuch political drivelling from men who, having a reputation for literature, have of courſe an influence on public opinion; eſpecially when this drivelling is in the moſt perfect uniſon with the "wickedneſs, the proſtitution of ſuperior "talents, and the prophane violence of bad men," who, for their own luſt of inordinate power, violate the conſtitution, while they give *exactly the ſame advice:* nor can this trial of our patience be leſſened, by reflecting that, notwithſtanding a diverſity of *circumſtances*, the real OBJECT for which this treacherous advice is now given, is preciſely and identically the ſame, as that for which it was given before, when it produced the American war and the American revolution—viz. TO ESTABLISH A POWER OF TAXATION WHERE THERE SHALL BE NO REPRESENTATION!!!——What the *repetition* of this advice has already produced in *Ireland*, we ſee: What it is in due time to produce in *England*, we begin to feel; in a taxation which even fills with conſternation the deluded admirers of the miniſter, and the miſtaken ſupporters of his meaſures:—as far, indeed, as this is deluſion and error, we muſt forgive them;—for, verily, they know not what they do!

But let us return to our poet's text. In ſpeaking of the *principles* of any ſcience, to introduce the epithet, "*antient*," ſhould ſeem to expreſs certain principles *antiently* admitted, but which experience had exploded as falſe: but, indeed, from a writer who, notwithſtanding his intimacy

with the *Greek* antients, and the *Latin* claſſics, appears to be profoundly ignorant of the *Engliſh* conſtitution, it is difficult, when that conſtitution is his ſubject, to extract a rational meaning, or to find a line of common ſenſe.

POET. "I AM OF OPINION, that in the outſet there is a fiction or "deceit. We are told we muſt recur to the *original* principle of the "Houſe of Commons, the principle, as I ſuppoſe, on which it was found-"ed, and that principle is declared to be *popular*, in the *modern* ſenſe of "the word. In this argument hiſtorical truth is not aſſerted; I would "maintain that it is violated." (IV. xi.)

APPELLANT. Here, at length, we come at a few cautious words, to ſatisfy the qualms of "thoſe whom he wiſhed to pleaſe," by making a ſhew of *reaſoning*: But if ſuch wretched logic, for cheating the people of England of a ſubſtantial repreſentation in their Commons Houſe of Parliament, is to paſs muſter, I muſt have ill performed what has been undertaken in this Appeal. And the great guardedneſs and caution with which our author treads his preſent hollow ground, and the bog-trotting ſpeed with which he haſtens over it, makes it extremely difficult to believe, he did not perfectly well know, it was ground on which he could not ſtand.—Following the example of our ſatiriſt, and uſing our noſes in the office of criticiſm, here we may ſay,

THE TAINTED ROTTEN-BOROUGH GALE WE SCENT.*

POET. "It was a *council*, which grew out of a greater council, and "it was deſigned to *repreſent* the *property* of the kingdom. I will not "inſult my reader with information on the ſubject." (IV. xi.)

APPELLANT. It is, indeed, but fair to acknowledge, that our poetical politician does not inſult us with his *information*; but he ſeems to forget his own rule, not to decide political queſtions in "tropes and me-"taphors." When ſuch men as *Chatham* and *Camden* talked of "every "blade of graſs being *repreſented* in the Houſe of Commons," ſpeaking metaphorically, they meant that the *proprietors* of the graſs were there repreſented.

Here is trope without nonſenſe; nay, it is a grace and ornament to eloquence: But this *literal troping*—if I may ſo call it—of our critic poet, is truly ridiculous. It were a curious conceit, indeed, to call a legiſlative council of MEN, the repreſentatives—not of their fellow-men who choſe them to expreſs "the ſtates collected will,"—but of the graſs of the fields, or the ſtones of the ſtreet! But were we to enumerate only a few of the articles which conſtitute *property*, how pointed muſt the ridicule become! As our poet talks of "antient principles," perhaps he can anſwer a queſtion I have to put.—When members of parliament in antient times were accuſtomed to with-hold their aſſent to court demands for money, until they had conſulted thoſe they *repreſented*, did they refer themſelves to the *perſons* who elected them, or to the *pigs*, or *pig-ſties*, or other *property* of thoſe perſons? Perhaps alſo, by this time, our poetical critic will recollect his own doctrine and obſervation, that "the uſe of "metaphor is to illuſtrate, not to prove. But we are always cheating "and deluding ourſelves." (IV. cxiii.)

Our author, on the preſent occaſion, has "cheated and deluded him-"ſelf" to ſome purpoſe; for "he confeſſes he never could underſtand "the great *Lord Chatham*'s celebrated expreſſion of 'infuſing a portion

* Sect. III. 29, "*We ſcent the tainted gale from Gallia's ſhore.*"

" of *new* health into the conſtitution to enable it to bear its infirmities." *(Ib.)* On this expreſſion, which *Junius* juſtly calls "brilliant and full " of intrinſic wiſdom," the poet ſays, " For my own part, I think it " but falſe glitter, and full of *intrinſic nonſenſe*, when applied politically. " It is mere rage of metaphor. It is to call the mind a ſheet of white " paper, till at laſt we are brought to think the reſemblance to be the " very thing ſignified." *(Ib.)* Now, whether the "intrinſic nonſenſe" be with *Lord Chatham*, who thought a reform in our legiſlative repreſentation would infuſe into the conſtitution *new* health; or with our author, who applies legiſlative repreſentation to *things* inſtead of *perſons*, to the *ſoil* inſtead of the *people*, let the reader decide.

How inveterate are the prejudices of your true *Burkite* againſt genuine political liberty, and that which conſtitutes the true health of a ſtate—POPULAR REPRESENTATION!—*Mr. Burke*, we know, thought *the people nothing more than inſtruments for lifting men of abilities into power*, and *would rather have been torn to pieces by horſes* than have conſented to a true popular repreſentation, although ſuch repreſentation is the health, the eſſence, the very ſoul of the conſtitution; and there is the ſame ſpirit in all his true diſciples.—Here we ſee this prejudice can abſolutely ſtrike blind to a piece of eloquence, "brilliant and full of intrinſic wiſdom," one who is at once a man of letters and taſte; a critic, and a poet.

But when prejudice is aſleep, and the adverſary of parliamentary reform is off his guard, a little of nature and truth will eſcape: we then find a member of the Houſe of Commons not a mere repreſentative of *property*, but ſomething more becoming his ſpecies and the dignity of man; for our author himſelf can then call him "an elected guardian " and defender of the *laws*, the *religion*, and the *good manners* of the " country." (IV. ii.) After this declaration, is it not both "*inſulting* " his reader," and *diſgracing* himſelf, when within nine pages he *excluſively* affirms, that the Houſe of Commons "was *deſigned* to repreſent the " *property* of the kingdom?"—But if, indeed, this were its *deſign*, it would ſtill as much as ever ſtand in need of *reform*; as I preſume the property of thoſe who nominate the *four hundred and twenty-four*, is but as a drop in the bucket compared with the property of *the nation*.

POET. "But it is matter of *plain hiſtorical knowledge*, that its powers, " its functions, its freedom, and its conſequence, have been all *progreſſive* " to a certain period. That period was the revolution (as it is fooliſhly " called) in 1688. At that æra, the Houſe of Commons, under *the old* " *whigs*, attained to *the conſummation of its glory* and to *the fulneſs of its* " *dignity*. As I here ſpeak of the *original principle*, I have *nothing to* " *do* with the *ſubſequent corruptions*." (IV. .)

APPELLANT. Say you ſo, Mr. Poet? Well, then, deſcending from metaphor to matter of fact, this is what you maintain:—In 1688, the Houſe of Commons attained "to the conſummation of its glory, and to " the fulneſs of its dignity:" In ſhort, no human inſtitution could be more perfect; and to this perfection it arrived under the *old whigs*: And all this is matter of *plain hiſtory*. Be it ſo: I will not diſpute about trifles; you ſhall have the facts according to your own ſtatement.

Now, Sir, let me remind you, "that *ſeſſional* parliaments were in re- " gular uſe for many centuries, and none other known either to the CON- " STITUTION or the LAW (notwithſtanding occaſional *practice in bad* " *times:)* ſo that, by means of ſuch ſeſſional parliaments, the elective " franchiſe came into exerciſe generally once a year, ſometimes twice,

" and more often."* By turning to this paſſage, you may alſo there find a little of the *plain hiſtory* of the *triennial* and *ſeptennial* acts, and their *effects* upon the "original principle" of a Houſe of Commons. The firſt of theſe acts was ſix years ſubſequent to this æra of *parliamentary perfection*, and the other about twenty-eight years. To your worthies, *the old whigs*, we are indebted for both; and they have alſo had their *full ſhare* in all the other "*ſubſequent corruptions*." Much of this "matter of "plain hiſtorical knowledge" may be found in *Oldfield's Hiſtory of Parliaments*, where we are told, as I have already ſhewn, that out of *five hundred and fifty-eight* members, *four hundred and twenty-four* are returned by the treaſury, by peers, and other borough-holders. In ſhort, Sir, on a mature view of the whole ſubject, I have before ſaid, and I repeat it, that REPRESENTATION IS GONE; AND FOR A SUBSTITUTE, WE HAVE GOT A COMBINATION OF CORRUPT AND ILLICIT TRADERS IN PATRONAGE AND INFLUENCE. Here, then, Sir, is your *conſummate glory* changed to CONSUMMATE SHAME; and your *fulneſs of dignity* to FOUL DISHONOUR.

But with theſe "ſubſequent corruptions," you are pleaſed to ſay, "you have nothing to do:" What! nothing to do with theſe corruptions? What, then, have you, Sir, to do with the queſtion of reform, or with the characters of the reformers, with which you make ſo free?—If, Sir, the Houſe of Commons, at the period of the revolution, was ſuch perfection as *you have deſcribed*, and, by "ſubſequent corruptions" is become as different as darkneſs is from light; and if, Sir, it be kept in that ſtate by the "wickedneſs" of faction, by "the proſtitution of "ſuperior talents, and the prophane violence of bad men," † on what grounds do you preſume to tell us, that "*with theſe corruptions you have* "*nothing to do.*"—Are you not the ſelf-elected CENSOR of literature, morals, and politics, and will you proſtitute ſuch a cenſorſhip, to ſcreen the fouleſt treaſon that ever aimed to deſtroy your country, while, at the ſame time, you hold up to public odium, the true patriot reformer!—Have you not made yourſelf the general SATIRIST of a corrupt age, and is this the way you ſuſtain the high character, and ſupport the dignity of ſatire?—Is it thus you aſſert your claim to *impartiality*, while Mr. *Fox*, Mr. *Sheridan*, and Mr. *Grey* are the objects of your ſilly and malignant ridicule, for their exertions in favour of *reform*; and while Mr. *Pitt* only rouſes your "indignation," when he does *not*, by the right arm of his power, ſhield from a trial, the man on whom the Houſe of Commons voted a proſecution?

Does it become the lips of the CENSOR and the SATIRIST to ſay, "*the propoſal of* REFORM is my ſpecific apprehenſion?" (IV. cxii.) REFORM, Sir, is the ſole end and object of your two-fold office. If *reform* be not the ſentiment couched in every ſentence,—if *reform* be not the true moral language of every line, your ſatire is no other than defamation and calumny; and the ſatiriſt himſelf is little better than the incendiary or the aſſaſſin!

POET. "There are *wounds*, and *obſtructions*, and *diſeaſes*, in the poli-"tical as well as in the natural body, for which *the removal of the part* "*affected* is alone efficacious. At an hour like this, are we to ſtand in "conſultation on the remedy, when not only *the diſeaſe is aſcertained*, "but *the very ſtage of the diſeaſe* and its *ſpecific ſymptoms?* Are we to ſpare "the ſharpeſt inſtruments of authority and of cenſure, when PUBLIC

* See p. 33. † IV. xiii.

"ESTABLISHMENTS ARE GANGRENED IN THE LIFE ORGANS?" (IV. v.)

APPELLANT. Such is the indignant language pointed at a ſingle member of the Houſe of Commons, for writing an immoral novel; and ſo important is the *health* of that houſe, an expulſion of the offending member ought it ſeems inſtantly to take place, that the houſe may not be *gangrened in the life organs.*

But while our ſatiriſt is ſo quick-ſighted to the diſtant approach of death in this form, he cannot forſooth diſcern a loathſome gangrene of another kind, which is viſible to every eye, and the theme of every tongue, but his own;—a gangrene fatal to political life, that has already ſpread itſelf over more than three parts in four of the whole body, ſo that the laſt ſpark of life is about to take its flight!—Here our ſatiriſt keeps ſilence;—here he feels no indignation;—here he utters no reprehenſion;——except againſt thoſe reformers, who bring the purifying cenſor, putting therein fire from the altar of the conſtitution,* and the incenſe of genuine patriotiſm, and thus ſtand between the living and the dead, to ſtay the plague!——"I ſpeak with feeling of ſuch a conduct, "and I ſpeak with the feelings of a man; for what is a mere ſcholar and "a quoter of Greek, when he forgets the man?" (I. xxxix.)

POET. "No factions ever proceeded to attempt a revolution in any country, but firſt under the pretence and through the medium of *a reform.*" (IV. cx.)

APPELLANT. Every child in "plain hiſtorical knowledge" knows that this is not true. And have not the borough and court factions of this very day, well nigh effected a revolution, by means the very reverſe —by *corruption?*—Have they not nearly diveſted us of every ſecurity for our liberty or our property? Do we not "SEE, and READ, and "FEEL theſe things?" (IV. x.)

But when REFORM is made a ſtalking horſe to villainy, as we have ſeen it made by ſome very diſtinguiſhed characters, *why* is it made ſo?—For the ſame reaſon that the cheat pretends to more honeſty; the coward to more courage; or the ſanctimonious impoſtor to more religion than his neighbour. In the thing pretended to, there muſt be real virtue and excellence, or it cannot ſerve the purpoſe of a maſk, or a cloak to an impoſtor. And is it, Sir, to the honour of your penetration,—is it to the praiſe of your knowledge, or to the credit of your morality, that, inſtead of expoſing the hypocrite, and laſhing the detected ſcoundrel, you ſpread over them the ſhield of your ſophiſtry, and ſtrike only at the virtue and the excellence of thoſe who in the day of perſecution adhere to them with unſhaken firmneſs!

Want you themes for your keeneſt ſatire?—you may find them by ſcores.——There,—take the borough-holding ******, hypocritically voting for reform, with his pallid relation by his ſide, whom he has dragged from his ſick bed to vote againſt it!—And here is the factious ferret ********, the foremoſt at meetings, and the penman of reforming epiſtles, who obtains the object of his ſordid ambition, feathers his own neſt, and then leaves his diſciples to rot in dungeons, or to periſh at Botany Bay! And there, again, is the cunning, climbing demagogue, who, while aſcending, pledges his chaſte honour as a man and a miniſter; but no ſooner attains the elevation he ſeeks, than, with the malig-

* The *fire* here ſpoken of is found in the *principles* of the conſtitution. It conſtitutes the matter of an *ordeal*, or fiery trial, which the borough faction dare not undergo; no, not even in a court of which they themſelves compoſe above three-parts in four.

nity of a fiend, he raiſes high the ladder of reform, and hurls it on the heads of thoſe below, in the hope of murdering the men he is aſhamed to look in the face!

POET. "They know that a revolution can only be effected by a re-"form. THERE IS NO OTHER MODE." (IV. cxii.)

APPELLANT. This is news indeed!—The *Aſſyrian*, the *Perſian*, the *Grecian*, and the *Roman* empires, were all, it ſeems, overthrown by REFORM!!! Guided by "plain hiſtorical knowledge," we had been uſed to think, they fell by their *corruptions*, and for *the want of reform*;—AS FELL THE FRENCH MONARCHY; which, had it reformed two centuries ago, might have been as permanent as, I hope, notwithſtanding preſent appearances, will be the Engliſh Conſtitution.

But the Spaniards, before they enjoyed their preſent excellent government, muſt have poſſeſſed the greateſt genius for *reform*; for *Vertot*, ſubſequent to the dominion of the Romans, enumerates no leſs than *two hundred and fifty-eight revolutions* in the hiſtory of Spain. The ſword, on theſe occaſions, as on the former, was the grand reformer. But is it to legiſlative and legal *reform* we are to aſcribe the modern revolution in Denmark, which gave the king deſpotic power;—that, in our own day, atchieved in an hour by the late king of Sweden at the head of his guards;—and that other, by which the extenſive kingdom of *Poland* has been ripped up, and parcelled out amongſt three murderers?

What ſort of a cauſe muſt that be, which compels its *advocates*, although poſſeſſed of genius, learning, and wit, to talk ſuch nonſenſe?

POET. "Government, take it in any of its complex forms, can be "carried on but in three ways; by unſullied principle and undeviating "virtue in the governors, and perhaps in the people; by force and "terror; or by *mitigated law and influence*. Who does not wiſh for the "firſt? Who expects to ſee it? In ſtates highly civilized, the mixed "mode of law and influence on the minds of free agents, appears to me "the only mode in which tranquillity, ſecurity, and general happineſs "can be tolerably preſerved, with the allowance of human frailty. I "deteſt corruption, open or ſecret, as much as any man." (IV. cxiii.)

APPELLANT. "Who does not wiſh for" *the abolition of the ſlave trade?* ſays every Weſt India ſlave-holder: And where is the borough-holder that will not chime in chorus with his ingenious friend, "I deteſt "corruption, open or ſecret, as much as any man!"

I do not like to ſee profeſſions and conduct at variance. I do not like theſe plauſible apologies for undermining the conſtitution of my country. I do not like theſe pretended *Engliſh* patriots, for whom the *Engliſh* conſtitution is not good enough. *Mr. Burke* was far too wiſe for an *Engliſh* conſtitution of "three diſtinct powers entirely independent of each other." That ſuch profound ſtateſmen as himſelf might feel no *controul* from ſuch a vulgar, mechanical invention, government, even while he is addreſſing himſelf to an Engliſh people, is, it ſeems, to be reſolved into "*civil diſcretion*;" * and his great admirer and humble imitator, only varies the phraſe, and calls it "mitigated law and influence."

The uſe of this "civil diſcretion,"—this "mitigated law and influ-"ence," being to enable proud and crafty ſtateſmen, *to reverſe the rule of the conſtitution*, and to melt down the ſound ſterling *Engliſh* principle of PARLIAMENTARY CONTROUL, into *a corrupt, cringing, obſequious confidence in miniſters*, is perfectly in uniſon with the rotten-borough

* See his *Letter to the Sheriffs of Briſtol*; and *Lord Abingdon's* "*Thoughts*" *on that Letter.*

ſyſtem; and its inſidious teachers are, conſequently, the natural allies of the faction.

The "civil diſcretion" of a miniſter of ſtate, ſo pleaſing to *Mr. Burke*, cannot be better defined than *Lord Camden* defined the "*legal diſcretion* of "a judge." "It is," ſaid his lordſhip, "the law of tyrants; it is al-"ways unknown; it is different in different men; it is caſual, and de-"pends upon conſtitution, temper, and paſſion; in the beſt, it is often-"times caprice; in the worſt, it is every vice, folly, and paſſion, to "which human nature is liable."——As Paul ſaid unto the Corinthians, "I am determined not to know any thing among you, ſave Jeſus Chriſt, "and him crucified:" ſo I ſay unto theſe Burke-bitten alarmiſts, who come "with excellency of ſpeech," and with enticing words "of man's "wiſdom," to cajole us out of our liberties, 'I AM DETERMINED NOT 'TO KNOW ANY THING AMONG YOU, SAVE THE ENGLISH CONSTI-'TUTION, AND THAT INTERPRETED ACCORDING TO ITS OWN PRIN-'CIPLES.'

POET. "But when I ſee an *aſſembly* formed on any principles, how-"ever ſublime, or deep, or diſintereſted, I remember it is formed of "*men*. Menander ſaid long ago, Ανθρωπος! ικανη προφασις. It is man; "his name explains the reſt. (IV. cxiii.)

APPELLANT. He who created man, and who perhaps underſtood his nature as well as Mr. *Burke*, or any of the ſect, has furniſhed him very plain rules of morality for the government of his conduct;—rules, from which it reſults, that the members of an *aſſembly*, choſen for their virtue, wiſdom and diſcretion, to *repreſent their nation*, ſhall act with ſtrict fidelity to ſuch a truſt; not only in a concurrence with and ſupport of the executive magiſtrate and his miniſters, ſo long as they can approve their meaſures; but likewiſe, if neceſſary, in withſtanding and reſiſting him and them, when he or they ſhall depart from the plain line of their duty. And it is an eſſential part of the duty and fidelity of ſuch an aſſembly, to be particularly vigilant over the conduct of miniſters, and to exerciſe ſuch powers of *controul* as it may poſſeſs, in order that the conduct of ſuch miniſters may not bring either the perſon or the office of the chief magiſtrate into "hatred or contempt" with the people.

But ſuch is the inſufferable pride, and innate arrogance of your true *Burkites*, eſpecially when they are very learned in every thing but themſelves and the true principles of the Engliſh government, that not God himſelf, in their eſtimation, can lay down rules *fit to be truſted to*. Their mighty wiſdom muſt mend his work. A moral theory he left unfiniſhed, is to be eked out and completed by their profound knowledge of MAN, and by a deep, myſterious, parading philoſophy, known only to themſelves. The laviſh abuſe beſtowed by theſe men on *French* philoſophy, always brings into my mind our homely proverb of the *pot* and the *kettle*; which likewiſe confirms another familiar adage, that two of a trade can never agree.

When theſe profound philoſophical politicians want to get rid of *miniſterial reſponſibility*, and to ſhuffle off *parliamentary controul*, they dare not indeed give utterance to their diſhoneſt meaning in plain Engliſh, which plain men can underſtand, but they quote Latin and Greek; and call to their aſſiſtance *Thucydides*, *Tully*, and *Tacitus*; *Plutarch*, *Demoſthenes*, and *Plato*; *Helladius Byzantinus*, *Photius*, and *Lucian*; *Menander* and *Æſchines*; *Pindar*, and the poet of *Panopolis*; * men who never heard a ſyllable of an Engliſh conſtitution; nor had ever dreamed of that "happieſt diſco-

* All theſe, and more, are quoted againſt the advocates for *a reform in the Engliſh Houſe of Commons*.

" very of political wiſdom"—REPRESENTATION. After confounding us, as they think, with the immenſity of their learning, and eſtabliſhing, as they vainly imagine, an idea of their infallible wiſdom, then comes the oracular jargon of " civil diſcretion,"—of " mitigated law and in-" fluence," and the buſineſs they truſt is done. When I ſee in the heart, the *corruption* of inſufferable pride and arrogance, I am always prepared for the entrance of *other corruptions*. The tranſition from a *proud* philoſopher to a *pitiful* penſioner, is not ſo great as ſome may imagine.

The gentleman on whoſe writings I am now commenting, may poſſibly have been mis-led by his admiration of ſplendid talents, and by the faſcinations of a rich, but not a chaſte eloquence. I hope he means well, but I very much miſlike his manner of ſpeaking. I would ſuggeſt to him that good ſenſe is good ſenſe, whether it firſt ſprang up in the woods of *Germany*, or in the Academic groves of *Athens*; and I would adviſe him to ſhake off the trammels of *Burkiſm*, and to think for himſelf.

POET. " I never will conſent to think, that government is a matter " of perpetual experiment. *Graft new regulations upon the old principles* " by a gradual removal of what is abſurd, obſolete, uſeleſs, or an in-" cumbrance." (IV. cxiii.) We have *ſtill* many and great reſources; but " the times never called with ſo loud and ſo commanding a voice for wiſ-" dom, diſcernment and integrity, for temperate, and timely, and gra-" dual *conceſſion* with dignity and ſecurity, and for an œconomy rigid and " undeviating, on the part of our governors; and for obedience, ac-" quieſcence under temporary preſſure, alacrity in defence, and vigi-" lance, and loyalty, and ſteadineſs in all the ſubjects of this land." (IV. cxvii.)

APPELLANT. Such is the natural impreſſion made on the heart by *truth* and *rectitude*, that, in ſpight of miſguiding paſſions, and the efforts of an oppoſing underſtanding, *they will break out*. Here, in theſe paſſages, after our poet has exhauſted his ingenuity in making war on *reform*, it is the very thing he *propoſes*; after condemning " relaxation," he recommends " conceſſion;" and, although with reluctance enough it muſt be confeſſed, and as it were without knowing it, he ſtands forth a REFORMER. The neceſſity of reform is impreſſed upon his mind by the calamities of his country; and the awful dangers that ſurround her, extort the confeſſion.—

That the ſtate is ſick, he perceives; but in his unmeaning preſcription, we ſee more of the Apothecary, with a compound of good things from every ſhelf in his ſhop, than of the Phyſician, who knows the diſeaſe, and its cure. That, like a true diſciple of his deceaſed maſter, he affects to deſpiſe *political anatomy*, we have ſeen in his attack on *Mr. Malkin* (IV. cx); but we may venture to aſſure him, that he who is not a well-inſtructed political anatomiſt, can never figure as a ſtate phyſician. In the way of preſcribing for the diſeaſes of the ſtate, what can we expect from a man, who knows ſo little of what is meant by " *the conſtitution*," as to refer us to " the bill of rights;" an important part of which ſtatute vaniſhed more than two years ago? It is only by an accurate knowledge of political anatomy, the ſtate phyſician can know the true *ſeat* and nature of the diſeaſe he is required to cure. If the *conſtitution* be in a ſtate of debility, he will not give his braces to the *miniſtry*: if *miniſtry* be ſeized with an inflammatory fever, he will not bleed and bliſter the *people*; or, if that harbinger of death, a putrid gangrene, ſpread itſelf over the *legiſlature*, extinguiſhing life at every ſtep, and the body politic be threatened with ſpeedily ſinking into its grave, a maſs of corruption,

if he have a knowledge of his art, and the conſcience of an honeſt man, he will not vilify any brethren of the faculty, who have been quarrelled with for ſpeaking the truth; but, like them, will preſcribe ſtimulants the moſt pungent, and cordials the moſt animating, for the immediate purpoſe of reſtoring health to the "life organs."

SECTION XIV.

BEFORE I cloſe this work, the reader muſt allow me to illuſtrate the military doctrine it inculcates, by a compariſon between two remarkable events which have occurred within the preſent year, and the circumſtances of which are freſh in all our minds; I allude to the recent invaſion of Ireland, at *Killala*; and to the prior invaſion of France, at *Oſtend*; events which, if I miſtake not, will place in a ſtrong light, the contraſt between an armed inhabitancy and a ſtanding army, as the means of national defence and true military ſtrength.

In the one caſe, the country invaded by the French has had for ſome centuries paſt, a conſtitution ſimilar to that of England, and reſting on all the ſame principles. As the paramount principle of that conſtitution is *legiſlative repreſentation*, and, conſequently, its prime object *political liberty*, the antient habits and rooted prejudices of the natives, if but tolerably ſharing in *the rights and benefits of their own conſtitution*, muſt have rouſed them to the moſt active hoſtility againſt the invading French.

In the other caſe, the department invaded by England, had recently been the country of an inveterate enemy to France, taken by the ſword; and ſtill more recently united to the Republic. Hence, the antient habits and prejudices of the natives, if not done away by their admiſſion to a full participation *in the free conſtitution of the conquerors*, muſt have made the invading Engliſh welcome viſitors; or muſt, at leaſt, have rendered the Oſtenders ſecretly indiſpoſed to a vigorous exertion againſt them.

Are there not, in this view of the two caſes, conſiderations worthy the attention of legiſlators and ſtateſmen? I know it may be remarked, that, *we* did not land at *Oſtend*, profeſſing to relieve the people from oppreſſion, but to deſtroy valuable works in which they had an intereſt; and that the *French* did land at *Killala*, with profeſſions of emancipation to the Iriſh. I admit that, in one reſpect, this remark weakens the force of my compariſon; but does it not, in another reſpect, give it all poſſible ſtrength?

In the one caſe again, Ireland had intelligence of the intended invaſion, and the French landed at *Killala* on the 22d of Auguſt; on the 24th, after a ſlight action, they took Ballina; on the 25th, completed the landing of their arms and artillery; and on the 27th, gained an advantage over General Lake, took ſeveral pieces of cannon, and made themſelves maſters of Caſtlebar. After remaining here eight days, allowing time for Lord Cornwallis to form a cordon of armies, collectively amounting to twenty thouſand men, the French again put themſelves in motion, "drove the country, and carried with them all the horſes;" * and, finally, penetrated to the very heart of the kingdom, before they were hemmed in and obliged to ſurrender.

Now, in the other caſe, although the Engliſh, taking the enemy by ſurprize, unexpectedly landed at *Oſtend* on the 19th of May, yet, the

* General Lake's Letter.

very next morning, being ſurrounded on the ſea-beach by the armed inhabitancy of the vicinity, or in the words of Capt. Popham, "by ſeveral "thouſands of the *national* troops," were compelled to lay down their arms.

In a merely military view, here are oppoſite facts, which, on one hand, are a ſevere ſatire on the ſyſtem of a ſtanding army; and, on the other hand, an high panegyric on the ſyſtem I have contraſted with it. But the truth is, that, beſides its mere military ſuperiority, the better ſyſtem has cauſes of preference beyond all price or eſtimation.

Once more to renew our compariſon: We all know the alarm given by the French invaders, to whom the *inhabitants* of the vicinity could not in a maſs be oppoſed, flew on the wings of expreſſes to Dublin and to London; and came round upon us alſo from Scotland, as matter big with peril. We all know how the kingdom of Ireland was ſhaken to its foundations; and that its metropolis was in a ſtate of ſleepleſs apprehenſion; we all know very large reinforcements of troops, ſome of them actually on their voyage to the Weſt Indies; others embarked and embarking for India, to preſerve our Aſiatic dominions from the conqueror of Italy and Egypt; and others again, whoſe proper duty it is to defend our own iſland; were all taken from theſe ſeveral ſervices and poured into *Ireland*, as if called thither by an imperious neceſſity. Nay, ſuch was the anxiety excited, that every official intelligence from Ireland was followed by a letter from a Secretary of State to the Lord Mayor of London, in order to prevent impreſſions unfavourable to the repoſe of the capital of the empire, and, conſequently, of the whole iſland of Great-Britain.

Whereas, in the former caſe, the Engliſh invaders muſt have given ſo little alarm at *Oſtend*, where the dependence was on *the armed people*, that, in the next adjoining department, the intelligence of their landing and of their ſurrender were, probably, companions of the ſame poſt. As it was not neceſſary to draw aid from a diſtance, ſo it was not natural to think the intelligence of ſuch a landing an object for an expreſs.

Can there be minds ſo ſluggiſh, and ſo utterly void of intelligence and ſenſibility, as not to be ſtruck with ſuch contrary effects of the oppoſite ſyſtems of national defence?

Again: The Engliſh army which, but an hour before landing, had been well aſſured there was only a "ſmall force at Oſtend, Newport, and Bruges,"* and which, neverthleſs, was ſo ſoon and ſo eaſily captured, appears to have been, including a detachment of ſeamen, about *fifteen* hundred ſtrong when diſembarked.

The French force which ſailed for Ireland, under the knowledge of a large army being on foot in that kingdom; and which, after its long ſtay at Caſtlebar, ſtill, in the face of twenty thouſand men, reached a point full half way from *Killala*, in the north-weſt quarter, to Dublin, on the ſouth-eaſt coaſt, does not appear to have exceeded *nine* hundred men!!!

Good God! can any rational man, after reflecting on theſe facts, be an advocate for the ſyſtem of a ſtanding army, as the proper ſyſtem for national defence?—The bane of national morals; the bane of national œconomy; the bane of national freedom; we find it at laſt, even in a military view, as inferior to an armed inhabitancy, as Hamlet to Hercules!†

* It is moſt probable, the force here ſpoken of by Captain Pepham, conſiſted of national guards kept on *permanent* duty, in rotation, to mount a few neceſſary guards in theſe towns.

† *Hamlet, Act I. Sc. II.*—'Tis not here meant that a hundred men trained to the diſcipline of a ſtanding army, are inferior, as ſoldiers, to an hundred men otherwiſe taught the uſe of arms: Perhaps, as an hundred ſoldiers, they might, in general, be ſuperior: But hired

After theſe ſeveral compariſons, can the military energies of the Engliſh conſtitution want our profoundeſt admiration; or the godlike Alfred, our gratitude and praiſe? But when our Exchequer, like an anticipating ſpendthrift, is now living from year to year on ruinous expedients, we ought particularly to attend to the immenſe difference of expence, which is ſo capital a feature in the contraſt between the compared ſyſtems.

We have not only to calculate the expence of the twenty thouſand ſoldiers advanced to oppoſe the nine hundred invaders of Ireland; but of the vaſt reinforcements from England; the numerous tranſports employed; the encroachment on the Eaſt and Weſt India ſervices, with all its attendant coſt, and all its poſſible conſequences; and ſuch a chain of ſhips of war around the Iriſh coaſt as never before was known: nor muſt we compute the expence of thus defending Ireland, as a mere temporary expenditure; for the far greater part of all this expence is permanent. It is amongſt the defects of this ſyſtem, that even *the volunteer corps* are required in a time of immediate danger to be kept on *permanent* duty, at an expence, according to the Chancellor of the Exchequer, of 150,000l. per month. How enormous, then, muſt be the whole of the conſtant expence of defending Ireland, by ſea and land, on a wrong ſyſtem!

Now, mark what it coſt France to repel the attack at Oſtend.—She had, it ſeems, only on foot ſo "ſmall a force at Oſtend, Newport, and "Bruges," as to encourage, on that account, a landing, when the weather was ſomewhat doubtful; nor had ſhe on the coaſt a ſingle defenſive ſhip of war. Thus, without the expence of either navy or army, except the trifle above-mentioned, when invaded by an army of fifteen hundred men, under protection of a ſquadron of frigates, ſloops, bombs, and other veſſels of war, amounting to twenty-one in number; the Oſtenders, at the ſole expence of *two days labour* to thoſe armed inhabitants who quitted their occupations to join the battalions ordered out, ſubdued and captured the invading army. I ſtate this expence as being that merely of *two days labour*; becauſe, I preſume, a ſervice ſo ſhort, and on an occaſion ſo animating, would be conſidered by the people, rather as a voluntary effort of ſelf-defence, and more as a holiday diſplay of patriotic energy, than as a public labour for which they expected remuneration from the public treaſury.

Is there not here, again, matter for ſerious and deep reflection, on the comparative merits of the two oppoſite ſyſtems of national defence? When we have ſo repeatedly heard the miniſter deſcant on the ruin of the French finances, and boaſt of our own; thereby intimating, that the war was more a conteſt of the purſe than the ſword; and when, in his multiplied aſſeſſments and his ſale of the land tax, we have his confeſſion, that the public *income* is no longer adequate to the purpoſes of taxation, but the nation muſt ſubmit to an incroachment on its *principal*; when, I ſay, we have heard and ſeen theſe things, what muſt we think of a ſyſtem which, at the ſame time that it annihilates our ſacred conſtitution, devours the property of the nation without neceſſity, and with a prodigality that is without example in the annals of human extravagance?

What ſtrength of light is thrown on this part of our ſubject by theſe landings at *Killala* and *Oſtend!* And to what a train of uſeful reaſoning they give birth! When we reflect on the frequency of our wars, and that war is the ſole cauſe of our debts, and of that load of taxes raiſed to diſcharge the intereſt; and when we contemplate the infinity of theſe

ſoldiers cannot be every where as armed citizens are: And an armed nation, in a military view, muſt ever be infinitely ſuperior to any mercenary army ſuch a nation could ſupport.

taxes, which, of one ſpecies, ſecretly and inceſſantly, like inward worms, prey on the vitals of ſociety; and which, of another ſpecies, alight periodically on our property with the ravage of locuſts; when, I ſay, we thus conſider war as now managed, and when we perceive the pecuniary conſequences of a ſyſtem ſo erroneous, it is evident, that a ſyſtem more rational muſt be adopted, or that national ruin muſt be inevitable.

It is ſomewhat remarkable, that, ſeeing war to have been almoſt excluſively the cauſe of derangement to the national finances, ſcarcely any thing has been delivered by our beſt writers on *political œconomy*, upon the ŒCONOMY OF WAR. Happily for mankind, that œconomy and political liberty are, as I truſt the reader has ſeen, cloſely interwoven, and the moſt energetic ſyſtem of legitimate war is in uniſon with both. We have, indeed, one diſtinguiſhed writer on political œconomy, *Sir James Stuart*, who has favoured us with his ſentiments on a military ſyſtem ſufficiently œconomical, if, in order to its adoption, we ſhould previouſly conſent to the annihilation of all private property whatever, and to make war our almoſt only occupation. Leſt theſe propoſitions ſhould be likely to jar upon modern ears, *Sir James* is careful to elucidate them by the ſucceſsful example of a nation, which, in his opinion, exhibited in its polity "*the moſt perfect example of political œconomy any where to be met with either in ancient or modern times.**" I ſhould not, however, have communicated to my readers *Sir James's* notions on the *œconomy of war*, had not the baronet held up the ſyſtem as peculiarly energetic; and had not our ſurpriſing miniſter, by ſeveral of his meaſures, appeared to look upon this ſyſtem with eyes of a marked partiality.

The miniſter's ſale of the land-tax carrying in its bowels a principle which tends, as I have ſhewn, to annihilate all private property in land, and in the end to transfer the whole to the crown, is ſo exactly of a piece with the fundamental principle of *Sir James's* military ſyſtem, that to trace the ſimilitude may, perhaps, furniſh a key to ſome part of the miniſter's conduct.

"Were any prince in Europe, whoſe ſubjects may amount to ſix millions of inhabitants, one half employed in agriculture, the other half employed in trade and induſtry, or living upon a revenue already acquired; were ſuch a prince," ſays *Sir James*, "ſuppoſed to have authority ſufficient to engage his people to adopt a new plan of œconomy, calculated to ſecure them againſt *the deſigns of a powerful neighbour*, who, I ſhall ſuppoſe, has formed ſchemes of invading and ſubduing them:

"Let him engage the whole proprietors of land to *renounce their ſeveral poſſeſſions*; or, if that ſuppoſition ſhould appear too abſurd, let him *contract debts* to the value of *the whole property of the nation* †; let the land-tax be impoſed at *twenty ſhillings in the pound*; and then let him become bankrupt to the creditors. Let the income of all the lands be collected throughout the country, for *the uſe of the ſtate*; let all the luxurious arts be proſcribed; and let thoſe employed in them be formed, under the command of *the former* land proprietors, into a body of *regular* troops, officers and ſoldiers, provided with *every thing neceſſary for their maintenance, and that of their wives and families, at the public expence*. Let me carry the ſuppoſition farther: Let every

* *Inquiry into the Principles of Political Œconomy*, I. 250.

† The writer is here evidently ſpeaking of the *landed property*; and it is an undoubted fact, that the collective taxes of Great Britain already exceed the whole rental of its land; and that *ſixteen millions per annum* have been added ſince the publication of Sir James's book in 1767; of which *twelve millions per annum* have been added by Mr. Pitt within the laſt ſix years.

" ſuperfluity be cut off; *let the peaſants be enſlaved*, and obliged to la-
" bour the ground with no view of profit to themſelves, but for ſimple
" ſubſiſtence; let the uſe of gold and ſilver be proſcribed; and let all
" theſe metals be ſhut up in a public treaſure. Let no foreign trade,
" and very little domeſtic, be encouraged; but let every man, willing to
" ſerve as a *ſoldier*, be received and *taken care of*; and thoſe who either
" incline to be *idle** or who are found ſuperfluous, be *ſent out of the*
" *country*.†"

Such, according to *Sir James Stuart*, is the beſt military ſyſtem for a nation of modern Europe; and he contemplates it with much complacency. "What article," ſays he, "would be wanting to their eaſe, that " is, to their ample ſubſiſtence? Their happineſs would depend upon the " temper of their mind. And what country could defend themſelves " againſt the attack of ſuch an enemy?"—Here, then, is another military ſyſtem, beſides that of a ſtanding army according to the faſhion of " the three laſt centuries," for the reader to compare with that which he has ſeen to make an eſſential part of the Engliſh conſtitution, being a main pillar of our political freedom; perfectly compatible with commercial proſperity; conſiſtent with the moſt poliſhed civiliſation; and friendly to the higheſt cultivation of the human mind in ſcience and in morals: whereas, the direct effect of this ſyſtem of *Sir James Stuart*, in his own declared opinion, would be, "to daſh to pieces the whole fabric of trade " and induſtry, which has been forming for ſo many years," and to " oblige every other nation to adopt, as far as poſſible, a ſimilar conduct, " from a principle of ſelf-preſervation;" in ſhort, to become military barbarians and brutes, ſuch as the Lacedemonians of antient times, whoſe " *political œconomy*" he ſo much admires.

To which of theſe two ſyſtems, this of *Sir James Stuart*, or that of *the conſtitution* which I have explained, the preſent miniſter is moſt inclined, his actions alone will enable us to judge. And if doubts ſhould ariſe on the practicability of the former, our author reminds his pupils, that, " in turning and working upon the ſpirit of the people, nothing is im-" poſſible to an able ſtateſman;" and that, "in every *new* ſtep, the ſpi-" rit of the people ſhould be firſt examined; and if that be not found *ripe* " for the execution of the plan, it ought to be *put off*, kept *entirely ſecret*, " and every method uſed *to prepare the people* to reliſh the innovation."‡

But if a miniſter ſhould previouſly have in his hands a borough parliament and a ſtanding army, to vote him taxes, and to inſure him the execution of his will, his means of "turning and working upon the ſpirit of " the people" muſt come up to his utmoſt wiſhes, and remove at once every difficulty to the accompliſhment of ſo grand a project, as this of *Sir James Stuart*. Nay, indeed, the miniſter who had once got in his hands ſuch a parliament and ſuch an army, would already have, not merely " *the peaſants*," but the whole people in complete ſlavery; and he would alſo have the "*twenty ſhillings in the pound*" at command, whenever he ſhould chooſe to call for them. Not but that, if he were politic, he would ſtill imitate *Mr. Pitt*, in felling one land-tax before he laid on a ſecond, as the ſureſt and quieteſt means of coming at the "*twenty ſhillings* " *in the pound*" at laſt. It cannot want above two more ſuch operations upon a four ſhilling tax, to complete the buſineſs; for if we add to that

* As trade and manufactures are to be nearly aboliſhed, the idleneſs here ſpoken of muſt be an indiſpoſition, either *to till the land as a ſlave*, or *to lounge about as a ſoldier* with nothing to do.

† *Inquiry into the Principles of Political Œconomy*, I. 260.

‡ *Ib.* I. 11, 12.

part of our landed property, which has been annihilated by the late operation of the minister, all the duties affecting the *produce* of land, as the duties on houses, malt, leather, spirits, horses of husbandry, with a thousand et cætera; and then deduct so much of these duties as attaches upon the *manufacture* of land-produce, there will remain of taxes already paid by the land itself, above *twelve shillings in the pound*; and consequently two more operations, of selling each time a four shilling tax, must swallow up the whole; when "*the income of all the lands will be collected* "*throughout the country for the use of the state.*"

Having thus stepped aside for a few minutes, to pay our respects to the author of a system, which in more points than one, should seem to have met with the approbation of *Mr. Pitt*, let us now return again to *Killala* and *Ostend*; and to our reflections on the military systems we were comparing, before we fell into this digression. We had just remarked, with how much ease, and with how little expence, an armed people defend their country, and ensure their own repose. But a consideration, which must make the deepest political impression, still lies behind.

Let us remember that the recent invasion of *Ireland*, which has been a subject of these observations, has been made at a time of particular expectation of such an event; and consequently a time of preparation:— At a time also, when the number of mercenary land forces on foot in the two islands was immense; and when the French and Irish coasts perfectly swarmed with our ships of war. Adverting, I say, to these circumstances, and, at the same time, ruminating on their necessary reverse, on a cessation of hostilities; when our fleets must be called home, and our force both by sea and land must be reduced to a peace establishment; is it not a fact which ought to sink deep into the minds of our statesmen, that the whole military power which so lately threatened the loss of Ireland, and filled Great Britain with anxiety, was conveyed to the sister kingdom in THREE FRIGATES?

If, at *such* a time, *such* a danger could spring from *such* slender means; on what is to depend, in the time of peace and relaxation, the security of *Ireland* and the repose of the *Empire?* If the rulers of *France* have but a tithe of the immorality imputed to them by our ministers, will they fail, in the hour of unguardedness and security, to take Ireland by surprise, as they have done Egypt; and to commence a new war upon *England*, by revolutionizing the sister kingdom? And such a policy they would vindicate in the face of the world, by the English example of seizing French ships in the year 1756, prior to a formal declaration of war.

On the contrast I have attempted between the two late invasions, I may expect it will be remarked, that it was not the landing of *nine hundred French soldiers* which endangered the sudden loss of Ireland, but *the disaffection of the Irish people* to their government. But such an observation is so far from weakening my general reasoning, that it gives it tenfold weight and authority.— What is it that has made the Irish disaffected? What is it that has inspired them with an idea of throwing off a government they have inherited from their ancestors? and even of exchanging a constitution similar to that of England, for one still more representative?—The plain and proper answer I conceive to be:—They have been cruelly forced from a situation, in which arms-bearing in defence of their constitution would have been equally their inclination as their duty. They have been first defrauded of their political rights, and then, as a necessary consequence, they have been unfeelingly oppressed: That government which, in its theory, was protection, and justice, and mercy, they, in practice, found to be abandonment, injustice, and cruelty: and

that law and conſtitution, which in their books were political liberty, and the perfection of reaſon, and therefore the certain means of high national proſperity, they, by long and melancholy experience, had felt to be perſonal ſervitude and national degradation; individual poverty, miſery, and contempt; and collective inſignificance, diſhonour, and humiliation.

Remove, then, the cauſes of diſaffection, and the diſaffection will diſappear. Preſent to the Iriſh, with one hand, freedom; and, with the other, arms; and then nine hundred times nine hundred Frenchmen will not dare to ſet foot on the iſland, although it had not upon it a ſingle mercenary ſoldier. A people truly free, and equitably governed, never were,—I may ſay, never can be diſaffected: It is out of nature: It is an impoſſibility. A ſtanding army cannot long defend Ireland againſt the people's diſaffection in alliance with the policy of France; but free Iriſhmen, once poſſeſſed of the reality of that conſtitution, of which hitherto they have known only the ſhadow, would be as jealous of French domination as the moſt Antigallican Engliſhman could wiſh them to be.

Theſe are truths founded in nature; and that Iriſh, or that Engliſh miniſter, who, in the preſent relative ſituation of this empire with France, ſhall, in contempt of truths ſo obvious, and in violation of all conſtitutional principles and of every human right, ſtill, by military law and other illegal ſeverities, goad on the people of that country to diſaffected courſes, inſtead of reclaiming and attaching them, by a reſtoration of the conſtitution of Ireland, of which LEGISLATIVE REPRESENTATION is the paramount principle; that miniſter, I ſay, who ſhall ſo act, inſtead of being a ſtateſman and a philoſopher, muſt be a monſter of ſtupidity and wickedneſs.

If Ireland were free, I grant ſhe could no longer be ſaddled with penſions to corrupt courtiers; nor, while agonizing herſelf in the extreme of poverty and diſtreſs, would a profligate miniſter dare inſultingly to gratify, at her expence, a needy German prince with ſome thouſands a year. Neither could the natural rights of the whole Iriſh nation be ſacrificed to the ſuppoſed intereſts of a few Engliſh manufacturing towns; nor could the abundant ſprings of her opulence be dried up, to water the rank field of Engliſh patronage. She could not be fleeced and vexed by an infinite variety of ways ſpringing out of a corrupt government; nor could ſhe be doomed to ſuffer eternally the torments of Tantalus, in viewing at once the ſmiling fertility of her fields, and the ſqualid miſery of her children; the rich bounties of a beneficent Providence, and the deplorable poverty of an oppreſſed people.

But if England would be content to ſee Ireland induſtrious and thriving; rich in population, and happy in her proſperity; enjoying all the natural rights of commerce in common with herſelf, and being in reality a *fiſter* inſtead of a *ſervant*; then might ſhe have in Ireland a profitable and improving market; for every manufacture in which ſhe excelled her; and a warm and affectionate ally on whom ſhe might depend in the hour of need; becauſe, ſuppoſing in either caſe equal freedom, an Engliſh were evidently more for her intereſt than a French connection.

If *England* be not, by a judgment from God, deprived of her reaſon, as a prelude to her deſtruction, ſhe muſt ſee the day is arrived, when the ALLIANCE of *Ireland* is become an object of competition between herſelf and *France*, which muſt be won by her *who gains her heart*. While France holds out to her, liberty and equality; and theſe through the medium of a revolution, of which the abolition of tithes—a burthen

that an unwiſe policy has rendered peculiarly odious to Ireland,—is to be the firſt fruit; and while the proſpect of ſuch a revolution muſt naturally generate an idea, that the nobility and other great land-holders will be likely, by their oppoſition, to give a pretence for rich confiſcations; while ſuch, I ſay, are the temptations favouring the deſigns of France, can England be ſo inſane as to back the borough faction of Ireland, in continuing to defraud the people of that political liberty which is their beſt inheritance and their moſt precious birth-right? And can ſhe continue to keep open and ſmarting, the wounds of Iriſh diſcontent, by making the ſword the grand inſtrument of ordinary government?—Can ſhe, in the competition of which I ſpeak, think of nothing more politic than continued coercion and *wider diſfranchiſements?* nothing more wiſe than external force and military ſubjugation? while her competitor ſteals into the heart of ſuffering Ireland with the conſoling hope of emancipation, and the enchanting whiſperings of freedom and of honour; and plays before her eyes, the delightful viſions of eaſe and plenty, of independence and wealth!

And, with Buonaparte, far advanced on his way to Hindoſtan, gathering, as he goes, Perſian and other auxiliaries, is there nothing to impreſs on the minds of our ſtatemen the infinite importance of having the empire at home perfectly harmonized and firmly united, on the only ſolid baſis of conſtitutions yielding to the people of the two iſlands real freedom, and inſpiring heartfelt attachment, as a preparation for that ſhock which may but too ſoon be expected at the extremity, and a ſhock that would aſſuredly be felt to the inmoſt centre? While in the habit of demanding ſo many ſacrifices from the people, have not they themſelves yet learned to make one ſacrifice to the ſtrength and union of the empire? Can they not perſuade themſelves to part with one corrupt intereſt, nor to recede from a ſingle violation of our liberties? Are the deteſted borough factions of the two countries ſtill in the hour of utmoſt danger to be in the eyes of miniſters, all in all; while the people, their deareſt intereſts, and their moſt ſacred rights, are to go for nothing?

What general ruin to the empire, the vile and ſordid policy of groveling and bigoted factions may produce: or what the luſt of patronage and power in miniſters may occaſion, I ſhall not attempt either to foretell or to calculate; but he muſt be a drivelling politician who does not ſee, that, ſooner or later, and at no very diſtant period, it muſt be in the power of the French Republic to ſever from us *Ireland*, IF SHE BE DENIED LIBERTY AND JUSTICE. Silly pains, I know, have been taken in that country to bring it out in evidence, that "the maſs of the peaſantry cared nothing about *parliamentary reform*;" and it marked the deſpicable folly of faction, to circulate this as a notable diſcovery, and as a diſcredit to thoſe "*who had thought for the people.*"—But, granting the truth of this intelligence, what then?—Is parliamentary reform the leſs neceſſary, becauſe, by a long abſence of rights, a miſerable peaſantry are become ignorant of them; and becauſe, almoſt brutalized by oppreſſion, they do not underſtand the conſtitution of their country? But ſuch is ever the logic of deſpotiſm. The ſtupidity which its own injuſtice has occaſioned, it ſhameleſsly urges for the continuance of that injuſtice; and the crimes which its own atrocious wickedneſs has produced, are made the pretences for preſevering in its infernal career!

If Faction means to prove parliamentary reform *unneceſſary*, let it firſt prove that legiſlative repreſentation is no principle of the Engliſh or Iriſh conſtitution!—Let it prove that ſuch repreſentation is not eſſential to political liberty!—Let it prove that national liberty is not neceſſary to

national ſecurity and happineſs? — Let it prove that the Iriſh nation has no right to freedom or happineſs! — And let it prove that it is natural to a people to be equally indifferent to degradation or reſpect, to beggary or affluence, to inſult or conciliation, to ſuffering or felicity!

When Faction ſhall have proved all theſe propoſitions, but not till then, it may be juſtified in ſtill oppoſing parliamentary reform. So long as that reform is denied, we cannot heſitate in pronouncing all who are actively concerned in that denial, as the true, as the moſt traitorous, and the moſt deadly of all the enemies of their country. At their door lie the unutterable miſeries of unhappy Ireland: They have been, and continue to be, the authors of her oppreſſions: They are the cauſes of her rebellions: To their account muſt be placed the cruelties and the countleſs crimes on all ſides that have brought upon her much diſhonour: Theirs are the obdurate hearts, which no ſufferings of their miſerable country can mollify; and theirs the hands that are crimſoned with her blood!

SECTION XV.

LET no Engliſhman imagine, that, becauſe the writer freely animadverts on the actions of miniſters, he is therefore wanting in reſpect to the conſtituted authorities, or deficient in reverence for the laws of his country. No: it is becauſe he deeply reverences thoſe laws, when unperverted; and becauſe he is a friend to a vigorous exertion of all power truly conſtitutional, as eſſential to the well-being of the ſtate, that he labours in the cauſe of reform and of freedom.

But in the ſame degree as he reverences law, his mind revolts at injuſtice; in the ſame proportion as he approves of vigorous power, he abhors oppreſſion; and in the ſame meaſure as he reſpects authority, the inſolence of office moves his indignation: and if he venerate to enthuſiaſm the dignity of character in the patriot ſtateſman, whoſe mind ever ſoars in the regions of unſullied honour; the grovelling wretch who tyrannizes over his country by the baſe arts of faction and corruption, he muſt ever regard with equal diſguſt and deteſtation. If he fervently feel for his country's liberty, he muſt as warmly reſent her wrongs; and if her conſtitution be the object of his ardent attachment and active protection, the audacious menace by which it may be threatened, he muſt ever mark with reprobation; and the blow aimed for its deſtruction, whether it come from thoſe arrayed in the robe of office or not, he muſt repel with his whole heart and his whole force.

It is one of the fineſt obſervations of *De Lolme*, that the Engliſh conſtitution has happily ſupplied the unavoidable deficiencies of *law* by delivering into the hands of *the people at large*, the exerciſe of a *cenſorial power*; and herein he ſhews its great ſuperiority over the conſtitution of antient *Rome*, which veſted this power in an individual*. In this ſalutary proviſion we ſee the deepeſt wiſdom. By theſe means, the conſtitution avails itſelf, for its preſervation, of whatever knowledge and virtue the whole country may contain. By theſe means the higheſt authorities are made amenable to the public reaſon; and the moſt reſiſtleſs of its powers is happily taught moderation, and that reſpect which is due to the opinion of the people.

How, then, ought a virtuous man to exerciſe the cenſorial power? Is he not to conſider its *end*; and the *nature* of the office he aſſumes?—The

* *Conſtitution of England*, 280.

end, being the preſervation of public liberty; and the *office*, that of *advocate* for the conſtitution, to bring to the bar of public opinion all offenders againſt the proviſions or the principles of that conſtitution, and there freely to expoſe their miſdoings, and plead the cauſe of our country; how can the cenſorial duty be performed, if the advocate be to heſitate in diſcuſſing whatever it may be *neceſſary* to theſe ends to diſcuſs? or to what purpoſe is he to reaſon, if he be compelled to ſuppreſs the *evidence* by which alone the injuries of his country can be proved? Or how can his client, the conſtitution, be preſerved from ruin, if any, even the higheſt perſons in the ſtate — its judicial, its executive, or its legiſlative adminiſtrators — when they may happen to be the offending parties, are to plead privilege, and to ſtop the proceedings?

To queſtion the irregular acts and miſchievous attempts of men in power —for here is always the chief danger to the conſtitution,— being the great uſe of the cenſorial office, he who, through fear of power, is ſilent on its exceſſes, betrays the conſtitution; and he who, knowing the true nature of law, ſilently looks on, while law deſtroys the law, or, in other words, while unconſtitutional ſtatutes, and ſpurious law *made in the courts of juſtice*, undermine or ſubvert that true genuine law of the land, which is "the perfection of reaſon" and the ſafe-guard of liberty, is no friend to the laws and liberties of his country. Much leſs ſhall he be entitled to that appellation, who ſuffers profeſſions of public duty, or pretences of patriotiſm, to cover the ſordid purſuits of private intereſt, or the baſe gratification of perſonal malice. Miniſters have done the writer no perſonal wrong; denied him no private ſuit; given him no perſonal offence. Merely on his own account, he has nothing to reſent; nothing to blame; nothing to give him diſcontent, beyond his individual ſhare in the general calamity they have brought upon us, and the intereſt he has in common in thoſe liberties which they ſo little reſpect. If he cannot have credit for impartiality, without feeling indifference, he claims it not: but he truſts that, poignantly as he feels, he has not condemned the conduct of miniſters but where his country has been deeply injured, and that he has exerciſed the cenſorial office with integrity and honour. It is for his country to condemn or to acquit: and he is as ready to put himſelf at its bar, as to bring any other before that tribunal.

As miniſters, in proportion to their conſciouſneſs of not deſerving well of their country, are ever full of ſenſibility to the ſtrictures of the cenſorial power of the people; and conſequently watch with the moſt painful vigilance all opportunities of ſtriking at the LIBERTY OF THE PRESS, through the ſides of every writer who, in defence of his country's freedom, may let fall an unguarded expreſſion, the Author has been ſtudious to ſuppoſe himſelf, while penning theſe pages, as if he were ever in the preſence of an enlightened jury of that COUNTRY to which he appeals, and appeals with confidence. Knowing that to promote its beſt intereſts, and to preſerve its ſacred conſtitution; and that to advance its happineſs by defending its laws and liberties; ſo that order and ſubordination might naturally flow from juſt inſtitutions and a general intereſt; and that magiſtracy of all degrees might have the homage of the heart; have been the ſole motives to his taking up the pen; he anxiouſly wiſhes his whole boſom were laid open to every Engliſhman; and all he has to aſk of any one, who, either voluntarily, or in the performance of an official duty, may criticiſe this work, is, that ſuch Engliſhman will read, as the author has written, with a ſincere deſire to fulfil the duty of a faithful citizen and an honeſt man.

He accordingly requeſts of every ſuch reader to go to the bottom of

the subjects here treated; to enter thoroughly into the grounds of what the writer imputes to ministers and objects to parliaments; to weigh with mature consideration the reforms he proposes; and fully to determine also in his own mind, whether they be not indispensably and imperiously necessary, to preserve the constitution and the liberties of England. He has also to propose to his reader's consideration, the following queries, viz.

1. Is the English constitution such as here defined?

2. Does it labour under the corruption and abuses here pointed out?

3. Must not *the censorial power of a people* be nugatory, and *the liberty of the press* an empty sound, unless the conduct of those who administer the government, on which depends the happiness or misery of the people, may be scrutinized with rigour?

4. Is not the right of freely investigating whatever is essential to the preservation of a constitution, whether it respect the conduct of magistrates or a legislature, a right inherent in human nature; and a right without which no national liberty can be preserved?

5. In contemplating the duties of a faithful citizen, and of a good man; and what ought to be the objects of his attachment, his respect, and his veneration; ought not the serving of his country to be considered as the first of his duties; its constitution to be esteemed the primary object of his respect; and the virtuous friends of its freedom and happiness, the only objects of his veneration?

6. Keeping in mind, that the common law of England is "the perfection of reason," will it ever be admitted to be *law*, that, to censure with becoming feeling and warmth, the unconstitutional conduct of ministers; or to explain with becoming freedom and precision, the errors of a legislature, when either of them threaten the very being of the state, can be a crime?

7. If the House of Commons should get into private hands until it ceased to represent the people; and if ministers, supported by such a House of Commons, should act contrary to the interest, the constitution, and known liberties of the nation; could a worse species of government be conceived? Or could there remain any hope for the people, without proceeding to the last appeal, except in THE LIBERTY OF THE PRESS?

As the very intention of a JURY in the system of *England*, is, that that *country*, of which the jury is the *representative*, may, in punishing crimes, vindicate the true principles of its government; in redressing wrongs, may still guard its own rights; and, in passing its judgment on licentiousness, may still take care to preserve entire its own liberties; so the writer trusts that, as a grand BULWARK of those principles, those rights, and those liberties, THE CENSORIAL POWER OF THE PEOPLE, or, in other words, THE FREEDOM OF THE PRESS, will ever, by the sterling sense and manly virtue of English juries, be preserved inviolate!

The writer is not forgetful of what is called *the law of libel*; nor does he forget that it is a branch of jurisprudence, through means of which the venerable law of England, characteristically mild, and which for its excellence stands confessedly at the head of all human law, has received more dishonour, and the constitution more disgrace, than from all other corruptions of her juridical system put together. In the collection of despotic maxims, which lawyers of a certain class have at different times been pleased to call the law of libel, there are those which are in themselves as foul libels on all genuine law, on human reason, and on the rights of nature, as the inquisition ever hatched.—But it was an English inquisition

that gave them birth: they derived their origin from the court of Star-Chamber, of atrocious memory. That court, "to the general joy of the whole nation *" was in the laſt century finally aboliſhed; but its deſpotic tenets, not being at the ſame time expunged from our books, unhappily remain to poiſon the current of law.

How they have poiſoned that current, is but too viſible in various trials ſince that period; and in proportion as the government aimed at arbitrary power, in the ſame proportion were ever found thoſe who ſcrupled not to attempt a revival of Star-Chamber law. For full thirty years of *the preſent reign*, it was with the generality of crown lawyers a conſtant maxim,—and a maxim which, even in its laſt ſtruggles for exiſtence, was countenanced by the ſolemn opinion of the Lord Chancellor and the whole bench of judges, that, on a trial for libel, the jury were only judges of *fact* and not of *law*; and, upon mere proof of the publication of the writing in queſtion, they were to find a verdict of GUILTY; that is, although the writing ſhould, in their judgment, ſpring from motives the moſt virtuous, be directed to ends the moſt beneficial, and be written in a manner the moſt laudable, they were bound to pronounce the author GUILTY, and leave him to his perſecutors, to be puniſhed as a criminal!—In the annals of human folly and depravity, a greater inſult was never offered to human reaſon; nor was there ever a more dangerous attack on the Engliſh conſtitution, or on the ſacred rights of JURIES!

If then we have ſeen, but as yeſterday, all the judges of England ſo warped by a private ambition to extend their own power, if not at the ſame time leaning with the moſt unbecoming partiality to the crown againſt the people, as to be unanimous in attempting to uphold *ſuch a monſtrous doctrine*, as LAW; how unſpeakably important to us are JURIES? And with what extreme caution, not to ſay, with what watchful jealouſy, ought juries to liſten to the bench, *when it is laying down the law of libel*; becauſe on that law wholly depends THE LIBERTY OF THE PRESS, and by conſequence all other liberty?

If a declaratory ſtatute † have within theſe ſeven years expunged from the law of libel this libel on human reaſon, the progeny I fear is not extinct. The modern books—for the whole of this *law of libel* is of mondern invention, unknown to the antient common law, and never ſanctioned by any legiſlative act, ‡—the modern books, I ſay, are not wanting in bad precedents and opinions, which, unſound as they are, lawyers will ſtill quote and ſtill repeat. The very doctrine juſt mentioned, obtained its currency by the ſucceſſive incroachments of time-ſerving judges. Taking advantage of their own ſuperior knowledge, and ever watchful where the crown was concerned, to impoſe upon unlettered juries, juries were very frequently brought to ſubmit to a doctrine, by which their inſtitution was degraded, and its utility deſtroyed.

Every ſuch ſubmiſſion formed a precedent; and, every precedent begetting its like, judges were encouraged to go on; and this bare-faced uſurpation of their own, this lampoon on common ſenſe, they were not aſhamed to call by the venerable name of LAW! It being thus that judges

* *Blackſtone's Com.* IV. 267.

† Brought forward by *Mr. Fox* and *Mr. Erſkine*; and in ſupport of which *Lord Camden* called forth all the patriotiſm of the Houſe of Lords, by the laſt glorious effort of a virtuous life.

‡ I am ſpeaking of thoſe revived Norman doctrines which have ſuperſeded "the "more homely, but more *intelligible*, maxims of diſtributive juſtice among the Saxons;" which are the only ſources of all genuine Engliſh law.

have heretofore *made* illegal law, it belongs to the good ſenſe and virtue of JURIES, where ſuch law has been once made, to unmake it again by their ſubſequent verdicts. JURIES ſhould be aware, that nothing which a judge, on a trial for libel, can lay down for law, if it be repugnant to their underſtanding, ought to influence their verdict: for if they once tamely give up their own convictions of right and wrong, they ceaſe to anſwer the end of their inſtitution, and the juſtice on the bench is from that moment both judge and jury. "If the judge's opinion muſt rule "the verdict, the trial by jury," ſays Blackſtone, "would be uſeleſs*."

When a JURY, in matter of libel, ſhall be told, that a queſtion in this caſe, was ſo ruled; and in that caſe, was ſo decided; and therefore it is held to be law; they will remember, that *the excluſion of juries themſelves* from being the *judges* of that on which they were to pronounce a verdict of *guilty* or not *guilty*, was, in matter of libel, firſt *ruled* and *decided*, and then *called* law; while all along it was the very reverſe of law: and they will recollect, that in no other ſpecies of trial but that for libel, was ſuch an uſurpation ever attempted. In all caſes whatever,—in caſes of fraud, forgery, murder, treaſon, and every other, be the nicety of the law what it might, the right of the JURY to judge of both fact and law was never queſtioned: and they muſt from hence learn, that bad rulers are far leſs afraid of fraud, forgery, murder or treaſon, than of THE LIBERTY OF THE PRESS, and the exerciſe of A CENSORIAL POWER IN THE PEOPLE, which is to ſcrutinize into their own actions, and to inform the nation how they perform the duties of their ſtations.

There are but two criterions of Engliſh law: If it be parliamentary law, it will be found in the Statute Book; if common law, it is "the perfection of reaſon." If therefore a JURY are convinced of the badneſs of precedents, or, if what is laid down for common law be repugnant to their common ſenſe, it is unqueſtionably their duty to reſiſt it: nor, in caſe of entertaining *ſtrong doubts*, are they bound to ſubmit to direction. They are to be governed by a ſenſe of juſtice and by reaſon: and it muſt be their own reaſon, or it cannot govern their conſciences; for in giving a verdict on authority of any man's reaſon, which is contradicted by their own reaſon, they would doubtleſs be forſworn.

'But juries,' it may be ſaid, 'if they will not ſubmit to direction, may give erroneous verdicts?' Very true; they are not infallible: but are judges infallible?—We have juſt ſeen that they are not. The very circumſtance of a point of law being even *doubtful*, ought, it ſhould ſeem, to be an invincible reaſon againſt the concurrence of a JURY; becauſe they ought to recollect, if a judge ſhould not, that it does not become them, on grounds ſo ſuſpicious, to concur with a judge in *making a law*† which is to be binding on their country; for while that country have a legiſlature, to ſupply all ſuch deficiences, their officiouſneſs in *law-making* may be well diſpenſed with.

Had, indeed, the true genuine Engliſh conſtitution, ſuch as in the foregoing pages we have ſeen it to have been, come down to us in all its purity, free from the foul mixture of Norman deſpotiſm and the poiſon of Norman law, the dregs of which are not yet by any means purged off, there can he no doubt but that it would always have been the known duty of every magiſtracy, and of every functionary, of JURIES in particular, as the BULWARKS OF LIBERTY, to have done their parts on all occa-

* *Com.* iv. 361. 2 Hale P. C. 313.

† It is of high importance for juries to recollect, that a great deal of our law *is thus made*; and therefore it behoves them, that all the law they concur in making ſhall be in truth "the perfection of reaſon."

ſions, towards reſiſting encroachments on the public freedom, by refuſing to become *the inſtruments for executing illegal law.*

If, after a lapſe of a thouſand years of ſcientific improvement, a *Blackſtone* had not learned accurately to diſtinguiſh between *laws* and a *conſtitution*,—*legal protection* and *political liberty*; we muſt not imagine our unlettered Anglo-Saxon anceſtors had arrived at ſuch refinement. Neither had they learned to aſcribe to a legiſlature that was the workmanſhip of their own hands, any character of ſacredneſs, awfulneſs, or myſtery, under the ſanction of which it could do them miſchief: much leſs did they compliment it with the attribute of an "abſolute deſpotic authority*." They made it a legiſlature, to expreſs their collected WILL; and they made it ſuch *from year to year*, to preſerve their LIBERTY: And for the ſame purpoſe, and with the ſame limitation, they made magiſtrates of every deſcription under the king †.

But after all, they would not ſolely truſt to ſuch laws as ſuch a legiſlature might make; nor for the application of them, even to ſuch magiſtrates ſo appointed by themſelves; but for applying thoſe laws to their own diſputes between one another, or to their own actions in what reſpected public intereſts and public duties, as well as to all diſputes between themſelves and the king: in ſhort, for the deciſion of all cauſes, civil and criminal, they inſtituted another diſtinct *repreſentation* of themſelves, that is, JURIES, to be fairly drawn *for the particular occaſion* from the body of the people. Thus had they one ſpecies of REPRESENTATIVES to *make* laws; another ſpecies of REPRESENTATIVES to *adminiſter* the laws; and a third ſpecies of REPRESENTATIVES for *deciding* all differences in the application of thoſe laws.—Do we not here ſee, that in thoſe days from whence we derive our conſtitution, the firſt actuating principle in an Engliſh boſom was this—ABOVE ALL THINGS, LIBERTY? To preſerve liberty, ALL were to conſpire; to this end, ALL functions were created, and ALL were to be exerciſed; and to ſupply at any time deficiences, their ſwords were ever ready to leap from their ſcabbards.

But ſuch was the native excellence of the Anglo-Saxon inſtitutions, and ſo complete and perfect the protection and the liberty they were calculated to produce, that, had they eſcaped the Norman defilement, until commerce, letters, and arts had abated the national diſpoſition to war, and had refined the manners, opened the minds, aud enlarged the views of the people; it ſeems to follow as a natural conſequence, that in a country, where the practical duties of government *happily made part of the ordinary buſineſs of every man*, and where the exerciſe of all power was under ſuch admirable checks, the ſcience of government would have taken the lead of all ſciences, as an object of ſtudy andcul tivation; eſpecially as eminence in that ſcience muſt have been the ſhorteſt and ſureſt road to the higheſt offices and honours of the ſtate.—Such *was* the Engliſh Conſtitution!

In ſuch a ſchool for the nobleſt of the human ſciences, as new *Ed-*

* Page 24.

† Although at an early period of Saxon government in England, *relationſhip* and the *teſtamentary wiſhes* of a deceaſed king were allowed great influence, yet the *elective* principle was by no means extinguiſhed, as appears by the uſe made of it, particularly by the clergy, in favour of *William* the Norman. And it appears to the laſt, that the depoſition of their kings for ill government, made a part of the Saxon law, as compiled under *Edward the Confeſſor*; which, as *Lord Somers* has obſerved, ſays, "That unleſs "the king perform his duty, and anſwers the end for which he was conſtituted, not ſo "much as the name of a king ſhall remain in him." *Judgment of Whole Kingdom. &c.* 61 *paragraph.*

wards, new *Edgars*, and new *Alfreds* ſhould have ariſen, improved codes of laws muſt have appeared: and all the ſcientific diſtinctions between legiſlative, executive, and judicial power, would have been gradually developed, and accurately defined: Nor is it incredible, but that in ſuch a progreſs, a written conſtitution, ratified by an Engliſh people, had, ages ago, bleſſed our country.

Whatever evils the natural frailty of human nature, even ſo circumſtanced, might have produced, in abatement of ſo ſolid a happineſs, under a government ſo beneficent, ſo worthy of rational beings, and ſo friendly to all that is great and good in man, we may, from the eternal laws of cauſe and effect, ſafely pronounce that we ſhould not have found amongſt them, deſpotiſm in kings, or tyranny in barons; foreſt law, or feudal oppreſſion; civil war to recover civil rights, or the effuſion of human blood to decide in favour of a red roſe or a white: Neither ſhould we have ever heard of the impious claim to rule by divine right, nor of the beaſtly ſtupidity of paſſive obedience and non-reſiſtance: And as little would our country have ever had experience of prerogative trampling on law, or of corruption ſubverting its foundations.—What countleſs evils, what wide-extended and long enduring miſeries, ſprang from the violations of our conſtitution, and that torrent of imperial law which poured in upon us with the Normans!

Biſhop Hurd, after juſtly condemning ſome of our kings for their marked partiality to that kind of law, exclaims, "Yet ſee the iſſue of all "this indulgence to a foreign law, and the treatment it met with from "our parliaments and people! The oppreſſions of EMPSOM and DUD-"LEY had been founded in a ſtretch of power, uſurped and juſtified on "*the principles of the civil law*; by which theſe miſcreants had been "enabled to violate a fundamental part of our conſtitution, the way of "*trial* by JURIES. The effect on the people was dreadful. Accordingly, in the entrance of the next reign, though the authority by which "they had acted HAD EVEN BEEN PARLIAMENTARY, theſe creatures "of tyranny were indicted for high treaſon, were condemned and exe-"cuted for having been inſtrumental in ſubverting *legem terræ* *; and "the extorted ſtatute, under which they had hoped to ſhelter them-"ſelves, was, with a juſt indignation, repealed†."

If, through the courſe of a perpetual war of ſeven centuries between the Norman *civil law* and Engliſh COMMON LAW, the latter have ever maintained its aſcendancy in men's minds, and have obtained the glorious definition of being "the perfection of reaſon," doubtleſs we muſt take the principles of that law as our guides, in aſcertaining the principles of the Engliſh conſtitution, and in forming a judgment on all its proviſions and all its inſtitutions. It is thus, and thus only, we muſt form our judgment on the inſtitution of JURIES, and on the ends they are intended to anſwer in the conſtitution. If, then, juries be, according to *Blackſtone* and all conſtitutional writers, BULWARKS OF ENGLISH LIBERTY, as, from a view of the Anglo-Saxon inſtitutions, it muſt be admitted they are, then the criterions of their duty muſt be two-fold. In all ordinary caſes, as in *civil* cauſes in general, where the law is clear and ſound, and no fatal conſequences await their deciſion, they may not be called on to look farther than to the *law* itſelf as their guide; but in *criminal* cauſes between the crown and the ſubject, on trials for libel, ſedition, or treaſon; and on extraordinary occaſions, when the deciſion of a JURY is not alone to affect *the perſon at the bar*, but muſt involve in it conſe-

* The law of the land. † *Dialogues*, II. 211.

quences affecting alſo the liberties of themſelves and their country, and poſſibly of their lateſt poſterity; I hold it to be evident, and founded on the eternal principle of ſelf-defence, and part of that firſt of earthly duties, the duty to their country, that they are bound to keep their eye upon the *conſtitution*; ſo that they may the better judge whether the law laid down to them by the bench be ſound or unſound; For, with all our reverence for the *law*, we muſt remember, that it flows from THE CONSTITUTION; and that that again flows from THE PEOPLE; for whoſe protection and happineſs, law, legiſlature, and conſtitution, have all been created, and are alone to be upheld.

If, then, in their judgment, what is called law be at variance with the conſtitution, ſubverſive of liberty, or repugnant to their reaſon, to them at leaſt (whether their judgment be correct or not) ſuch law is unſound, or rather it is not law, and cannot govern a conſcientious verdict *. And whether ſuch law were *made* by judges or by *parliaments*, this reaſoning muſt equally apply; for it cannot enter into our idea of the power of parliament, that it hath authority to enact laws to violate the conſtitution; or laws by which the people ſhould be compellable to deſtroy one another by unjuſt judgments.

I will not ſay this reaſoning is in *Coke upon Littleton*, for I have not enquired; but, as *the great* William Pitt ſaid on a ſimilar occaſion, I will ſay, *it ought to be there!*—No leſs than *four acts of parliament* were paſſed, *to make it law*, for perſons charged with treaſon in *Ireland* to be tried in *England*; but when, in the reign of *Elizabeth*, the attempt was made to carry theſe ſtatutes into execution, it was found that, being *contrary to the conſtitution*, and *to our legal principles*, THEY WERE NOT LAW, and could not be acted upon. On this occaſion, *Wray* and *Dyer*, judges; and *Gerrarde*, attorney-general; were thoſe who nobly vindicated the law and conſtitution of England †.

Had *Henry* VIII. in conſequence of the *act of parliament* which enacted that his proclamation ſhould have the force of laws, commanded any thing intrinſically the moſt harmleſs;—had he, for inſtance, commanded that all men ſhould ſhave off the right eye-brow; or wear a black patch on the left cheek; and had people, in all parts of the country, been brought to trial for diſobedience, can it be doubted that, whether the *diſobedience* charged were proved or not, JURIES univerſally ought to have brought in verdicts of *not guilty* in favour of *every perſon ſo accuſed*, on the plain ground, that neither the proclamation, nor the act of parliament, *could be law*; and that, if ſubmitted to, all freedom were at an end? Such a command, although apparently ridiculous, might be a mere experiment on the patience of a people, the ſervility of judges, and the tameneſs of juries; and ſuch deſpotiſm, if not nipped in the bud by a ſpirited reſiſtance, might ſoon rival that of *Nero* or *Caligula*. But a crafty politician would not even make his early experiments obnoxious to ridicule or diſguſt: he would begin with ſomething apparently uſeful or laudable; ſomething perhaps in favour of decorum, or charity, or religion, or regular government; in order to eſtabliſh imperceptibly the precedent of *proclamation law*; but, be the objects what they might, ſuch law ought to be univerſally reſiſted by judges, juries, and people. And if parliament ſhould ever, either through ſervility, corruption, or mere error, gives its ſanction to any thing which is clearly againſt the principles of law, or ſubverſive of the conſtitution, the ſame reaſoning would hold. I have cited the caſe of the parliament of *Henry* VIII. becauſe its

* See p. 28

† *Dyer's Reports*, 360.

flagrancy muſt ſtrike every mind; but a little conſideration will ſhew *there is no real difference between the parliament authoriſing the king to give an illegal or abſurd command, and giving that command itſelf.*

The words of *Blackſtone*, to which I alluded, are theſe; "In *Magna* "*Charta* it is more than once inſiſted on as the principal bulwark of our "*liberties*." *Com.* III. 350.

"The trial by jury, or the country *(per patriam)*, is alſo that trial by "the peers of every Engliſhman, which, as the grand bulwark of his "*liberties*, is ſecured to him by the great charter." (IV. cccxlix.)

"The *liberties* of England cannot but ſubſiſt ſo long as this *palladium* "remains ſacred and inviolate; not only from all open attacks, (which "none will be ſo hardy as to make) but alſo from all ſecret machi-"nations, which may ſap and undermine it; by introducing new and ar-"bitrary methods of trial by *juſtices of the peace, commiſſioners of the re-*"*venue*, and *courts of conſcience*." (IV. cccl.) I believe all queſtions whatever, reſpecting a revenue, which, on a peace eſtabliſhment, will much exceed *twenty millions per annum*, are decided without *trial by jury*.

But the trial by jury can only prove a bulwark or a palladium of *liberty* by juries taking the *conſtitution* for the guide of their judgments; for if they looked only to *law*, and arbitrary and unconſtitutional laws ſhould be made either by the judges, or by a parliament which did not repreſent the people, then juries, by being the inſtruments of rivetting theſe laws on their country, would contribute *to deſtroy the liberties of England.*

If any ſhould think I incroach on the province of the profeſſors of law, in touching on the adminiſtration of juſtice, I beg it may not be forgotten, that I am writing an Appeal on the ſubject of the CONSTITUTION; and that to the conſtitution, all law, and all the adminiſtration of law, ought to be ſtrictly ſubſervient. And I would wiſh them likewiſe to reflect on the ſolidity of an obſervation, to which the extraordinary proceedings on a very important trial at law in the year 1794, gave riſe; — "That it is the caſe with perſons in all thoſe profeſſions, by which for-"tunes and greatneſs are obtained, that they confine their attention, and "keep cloſely and ſtrictly to the ſtudy of thoſe parts of their profeſſion "from which their advantage is to ſpring."

"The gentlemen at the bar are very wiſe, indeed, in all the *appli-*"*cations of law*, becauſe from thence ariſe all their fees; but, in regard "to the *cauſe of law*, they very rarely conſider it, for no gain can ariſe "to them from ſo doing *."

And the propriety of JURIES exerciſing their own underſtandings on whatever is offered to them, in the way of opinion from the Bench, as law, will receive the ſtrongeſt confirmation, when we ſee that the greateſt men, thoſe who have been not only the brighteſt luminaries of our law; but thoſe alſo who, for their exalted wiſdom and virtue, have ſhed a luſtre on our country and our ſpecies, have nevertheleſs, as the inevitable lot of human nature, been ſubject to error. Deſervedly high as ſtands the authority of *Blackſtone*, perhaps the reader of this Appeal will admit, that even the Commentaries want amendment: and greatly as the good, the great, the venerable HALE is to be reſpected as a Judge, we have ſeen him ſubject to the unaccountable weakneſs of burning two miſerable women, on a prepoſterous charge of witchcraft. Nor is there a well-read law ſtudent who does not know, that even *Coke*, although ſtill conſidered as an oracle of Engliſh law, was very far from infallible†. In

* *Trial of Tooke*, H. 47.

† In Viner's Abridgement, XV. 87, it appears that *Sir Edward Coke* maintained in a

many instances, his law is not now found to be "the perfection of "reason."

When, therefore, we see Chief Justice *Holt*, one of the best judges who ever adorned the Bench, *seeming* to consider it as libellous to use words that "*tend* to beget an *ill* opinion of the *administration* of the go- "vernment*," before we admit this to be *law*, we are to consider whether it be *reason*. Supposing an administration to act, like *Empson* and *Dudley*, unconstitutionally and illegally, and to the oppression and ruin of a nation, would not the people's having "an *ill* opinion" of such an administration, be a necessary and a proper consequence of rightly understanding their conduct? And could an individual render to his country, and to its true and lawful government, a greater service, than to explain to the abused public, the true character, and the fatal consequences, of the measures of such an administration? Surely, it were against all reason to maintain the contrary!

But we shall most clearly discern the *error* of the virtuous *Holt* by marking his *agreement* on this occasion, with such men as *Scroggs* and *Jefferies*, and other lawyers of that class. On the trial of the seven bishops for a libel, Mr. Justice *Allybone*, a papist, laid it down as *law*, that no man can take upon him to "write against the *exercise* of the go- "vernment, *unless he have leave from the government*, but he makes a "libel, be what he writes true or false, &c." Again, he said, "Then "I lay down this for my next position, that no private man can take "upon him to write concerning the government at all; for what has a "private man to do with the government at all, *if his interest be not* "*stirred or shaken* †?"

Jefferies, on a trial for libel in 1680, when recorder of London, says, "It is the opinion of *all* the Judges of England, that *it is the law of the* "*land*, that no person should offer to expose to *public knowledge* any "thing that *concerns the government*, without the King's immediate *li-* "*cense*‡." He had just informed the court that all the Judges had been convened to consider of the question, and that this was given in by them "as their resolution." *Scroggs*, Chief Justice, on the same occasion, also said, "We did all subscribe, that to print or publish any new books, or "pamphlets of news whatsoever, is illegal."

Seriously to comment upon such tyrannical outrages on common sense and common decency, raked out of the ashes of the infamous court of Star Chamber, would be a waste of words; and to set about a refutation of such stuff, although solemnly pronounced to be *law* by all the Judges of England, would be an ill compliment to my reader's understanding. Nor would it be treating it with much more respect, were I to imagine he could fail seeing the *agreement* between the unadvised expression of Lord Chief Justice *Holt*, and the absurd positions of these disgraces to their profession. If we are to reason at all on the conduct of ministers, we must be equally at liberty to use words tending to beget

cause, that "a person libelling himself is punishable by the *civil law*; and it *seemed* to "him, that he should be so, in the *Star Chamber*."

* State Trials, V. 54, 56.

† State Trials, Vol. IV. p. 391. But from a member of our *Supreme Court of Justice* we have lately had an improvement upon this doctrine. Here, "if our interest be stirred "or shaken,"—and whose interest is not stirred and shaken when the constitution is endangered by ill government?—it must be inferred, that we may "write concerning the "government;" but we have been lately told, "*The people have no business with the laws,* "*but to obey them.*"

‡ Ib. III. 58, 64.

an ill, as a good opinion of them, as the truth of facts may require; or as circumſtantial evidence of their ill or good intentions may influence our own judgment.

But in ſupport of THE LIBERTY OF THE PRESS, I muſt again, as I have formerly done, reſort to the authority of *Lord Chief Juſtice Eyre*, and the preſent Attorney General. His lordſhip ſays, "All men may, "nay, all men muſt, if they poſſeſs the faculty of thinking, reaſon "upon every thing which ſufficiently intereſts them to become objects of "their attention; and among the objects of the attention of free men, "the principles of government, the conſtitution of particular govern-"ments, and, above all, the conſtitution of the government under which "they live, will naturally engage attention and provoke ſpeculation. "*The power of communication of thoughts and opinions is the gift of God,* "*and the freedom of it is the ſource of all ſcience, the firſt fruits and ultimate* "*happineſs of ſociety*; and therefore it ſeems to follow, that human laws "ought not to interpoſe, nay, cannot interpoſe, to prevent the com-"munication of ſentiments and opinions in voluntary ſocieties of men: "all which is true, with this ſingle reſervation, that thoſe aſſemblies "ought to be ſo compoſed, and ſo conducted, as not to endanger the "public peace and good order of the government under which they "live*."

All this I take to be law, becauſe it is ſound reaſon; and I truſt that not a ſyllable in theſe pages will be found inconſiſtent with that freedom of communicating thoughts and opinions, which is here ſo beautifully vindicated.

The Attorney General tells us, that "THE PUBLIC OPINION OF "GOVERNMENT IS, IN THIS COUNTRY, AS WELL AS IN EVERY "OTHER, ITS PRINCIPAL SUPPORT." It is important then, that that opinion ſhould be juſt; and therefore, whenever the public opinion appears to any man to be erroneous, he cannot give a ſtronger proof of loyalty, than to endeavour, by the evidence of facts, and an appeal to principles, and by his beſt reaſonings on the ſubject, to correct ſuch erroneous opinion.

Before I take leave of the law of libel, I muſt advert to a dangerous maxim which appears to have but too much countenance from the gentlemen of the long robe.

In *Viner*, XV. 58, we are informed that "the *court* held that a libeller "was puniſhable though the matter of the libel is TRUE."—What court?—The court of STAR CHAMBER! Such is the ſource from whence this maxim ſprings; and ſuch is the poiſon to be found in our books of high authority! This, as I underſtand, is the firſt precedent of ſuch a doctrine being broached in *England*, and aroſe in *Want*'s caſe, decided in that abominable court. This alone, if the propoſition itſelf did not ſhock the feelings of a rational and moral mind, ſhould make one ſtart back and pauſe.

Having then here pauſed, and having conſidered the mode of arguing of ſuch lawyers as have maintained the affirmative of this ſtrange propoſition, perhaps we ſhall be able to explain the arts they have reſorted to, for deceiving the juries to whom they have addreſſed their logic; if they have not indeed, for want of aſcending to the ſource of their own ſcience, or through their prejudices and leanings, deceived themſelves.

It is of the eſſence of a libel, that it beſpeaks a wicked mind. Is ſpeaking truth an evidence of wickedneſs? To uſe the words of *Lord*

* *Gurney's Trial of Hardy*, I. 9.

Camden, and a ſafer guide we cannot follow, a writing, to be a libel, muſt be "falſe, malicious, ſcandalous, and wicked." And this was the doctrine of that virtuous man when Attorney General. Moving, before *Lord Mansfield*, (a true diſciple of the Star Chamber in matters of libel,) for leave to file an information againſt *Dr. Shebbeare* for a libel, he ſaid, "It is merely to put the matter in a way of trial: for I admit, and his "lordſhip well knows, that the jury are judges of the law as well as "the fact, and have an undoubted right to conſider, whether, upon the "whole, the pamphlet in queſtion be or be not publiſhed with a WICKED, "SEDITIOUS INTENT; and be or not, a FALSE, MALICIOUS, and SCAN-"DALOUS libel*."

We have not only to reprobate the tyranny of the court of *Star Chamber*, but its audacity alſo, in daring to puniſh *truth* as a libel; and in preſuming to create *ſuch law* in the teeth of acts of parliament. The very earlieſt ſtatute relating to libels, is that of 3 *Edward* I. c. 34, againſt "*deviſors*," that is, *inventors* "of tales;" and it enacts, "that from "henceforth none be ſo hardy to tell or publiſh any *falſe* news or tales, "&c."—Nay, not even in the reign of a king who firſt ſet the example of packing and bribing a parliament, and of whom it was ſolemnly declared by *all the Judges*, that *he was above the laws*, could they find a ſtatute to ſanction their doctrine; for the 2d *Richard* II. c. 5, having by way of title, "The penalty of telling *ſlanderous lyes* of the great men "of the realm," ſays, "Item, Of deviſors of *falſe* news and of *horrible* "*and falſe lyes* of prelates, dukes, earls, &c. &c.—none be ſo hardy "to deviſe, ſpeak, or to tell any *falſe* news, *lyes*, or other ſuch *falſe* "things, of prelates, lords, &c." When *Mary* had married *Philip* of Spain, and on account of religion the court was particularly jealous of public ſpeaking and writing, the ſtatutes of *Edward* I. and *Richard* II. were again *confirmed*; and it was added, by 1 and 2 *Philip* and *Mary*, c. 3, that "If any perſon ſhall be convicted or attainted for ſpeaking "*maliciouſly* of his own *imagination*, any *falſe*, ſeditious, and *ſlanderous* "news, ſayings, or tales, of the King or Queen, &c." And by the 1ſt *Eliz.* c. 6, the laſt mentioned act was "expounded to extend to the "Queen that then was;" but ſtill that alone that was *falſe* and *malicious* was eſteemed criminal.

Now it is a common argument with proſecutors, that the writing complained of tends to *a breach of the peace*; and then the ſpeaker ſlides into the falſe concluſion, that *therefore* it is a *libel*. If this indeed were the criterion of libel, then, to be ſure, *truth* and *falſehood* are out of the queſtion. But if a huſband or a father were to *break the peace* by knocking down an impudent raſcal who had inſulted his wife or daughter by indecent language, we ſhould not be ſo ridiculous as to call the original offence a *libel*. Here, then, we ſee the fallacy of inferring libel from that which *tends* to a breach of the peace; which has been a main cauſe of miſleading thoſe who could be brought to believe, that truth itſelf might be a libel.

Lord Chief Juſtice *Scroggs* in 1680, in the libel cauſe before cited, ſays, "We did all ſubſcribe, that to print or publiſh any news-books or pam-"phlets of news whatſoever, is illegal; that it is a manifeſt intent to *the* "*breach of the peace*†." But the reaſoning and the reaſoner are equally objects of our ſcorn and contempt; and this ground, even in the ableſt hands, muſt be too weak for the ſupport of a doctrine ſo violent, as that truth may be a libel; for they are of oppoſite natures.

* *Second Poſtſcript to the Letter to Mr. Almon*, p. 7.
† State Trials, III. 61.

The cauſe of the error lies I believe much deeper; and, if I miſtake not, can only be diſcovered by tracing man to a period antecedent to all law. It has been already remarked, that 'the gentlemen at the Bar very rarely conſider the *cauſe* of law;' whereby they not only confound others, but they puzzle themſelves; and thus darken that "rule of action" which ought to be a light to lighten the ſteps of the people, and keep them in the paths of ſafety. Profeſſional men being in the habit of conſidering law as 'a rule of action,'—'the ſtates collected will,'—and as 'the arbiter of differences, not only between man and man, but between the individual and the ſtate,' I imagine them to reaſon thus:—'If *Paulus* have ſaid or done any thing to the injury of *Titius*, it is not *Titius*, but the common arbiter, the law, that is to puniſh *Paulus*. Or if *Paulus* have offended againſt the public morals; or, being a miniſter of ſtate, have offended againſt the public intereſt or liberties, ſtill it is not *Titius*, but the *law* that is to decide on the actions of *Paulus*; and if *Titius* think them criminal, he muſt bring them regularly before the courts that are competent to the inquiry. If, inſtead of ſo doing, he arraign the conduct of *Paulus* before the public at large, the conduct of *Titius* will be irregular; conſequently wrong; and therefore unjuſtifiable. Being wrong and unjuſtifiable, and tending to the prejudice of *Paulus*, it will therefore be, becauſe of that *wrong* and *injuſtice*, a LIBEL, whether what he may ſay of *Paulus* ſhall, or ſhall not, be TRUE.'

But there is falſe logic in more parts than one of this reaſoning; and IF the ſuppoſed conduct of *Titius* ſhould in any reſpect be a crime; yet, if all he ſhould ſay were *true*, it would be juſt as accurate to call his offence by the name of perjury, or forgery, or even manſlaughter or murder, as to call it *libel*; unleſs we may venture to call *Lord Camden* an ignorant pretender to legal knowledge; or to fix any appellation to any act, to ſerve a turn.

If indeed law were the *ſole* 'rule of action' in ſociety, the foregoing reaſoning would be concluſive, to ſhew that *Titius*, by acting as is ſuppoſed, would commit a crime of ſome kind or other; but the truth is, that law, meaning municipal law, ſo far from being the *ſole* rule of action, is in fact only ſubſidiary,—a mere make-weight in the regulation of human life; and where it interferes at all, it is, in ninety-nine caſes of a hundred, to preſcribe rather what actions ſhall not, than what ſhall, be performed. We muſt have manners and morals, aye, and '*that freedom which is the ſource of all ſcience, the firſt fruits and ultimate happineſs of ſociety,—that power of communicating our thoughts and opinions, which is the gift of God*;' we muſt, I ſay, have all theſe, as well as law, for our rules of action, or miſerable indeed would be our condition! Of all conceivable ſlaveries, that of not having freedom to act or to ſpeak but by the rules of expreſs law in every caſe, would ſurely be the moſt inſupportable!

Take away the freedom of reaſoning, and of converſing or writing on the conduct of either private or public men, as it affects ſociety, and you not only enſure the ſubverſion of all free government and the extinction of all political liberty, but you lay the axe to the root of all morality; by taking away the ſalutary fear of cenſure and ſatire, and the hope of praiſe and honour. If minds improved by the practice of virtue and the habits of juſt reflection, feel indeed the influence of a ſuperior motive; the will of the Deity, or a conſcientiouſneſs that from virtue alone true happineſs is derived; yet neither philoſophy nor religion diveſts men of a ſenſibility to public opinion, nor of the deſire of a good name. How much more then muſt the bulk of any people, who ſo much more de-

pend on a fair character, and who lay on public eſtimation a greater ſtreſs, be kept within the bounds of decorum and of good morals, by knowing their actions may be freely canvaſſed by that public whoſe intereſts are affected by all men's actions, and whoſe approbation they ſeek!

Here, then, we muſt ſee the infinite importance of a *cenſorial power in the people at large*, and of THE FREEDOM OF THE PRESS, in reſpect of all morality private and public; and we muſt alſo perceive, that it is not the office of *law* to interfere with the ſalutary uſe of that power; but to give its virtuous exerciſe the more effect by curbing its abuſe.

And here we muſt notice, that the idea of *De Lolme*, mentioned in the beginning of this Section, that a cenſorial power in the Engliſh people reſults *from* their *conſtitution*, is not perfectly correct; for ſuch a power muſt neceſſarily be antecedent to conſtitutions of government. His words are; "We may therefore look upon it as a farther proof of the ſoundneſs "of the principles on which the Engliſh conſtitution is founded, that it "has allotted to the people themſelves the province of openly canvaſſing "and arraigning the conduct of thoſe who are inveſted with any branch of "public authority; and that it has thus delivered into the hands of the "people at large, the exerciſe of the cenſorial power. Every ſubject in "*England* has not only a right to preſent petitions to the king, or the "houſes of parliament, but he has a right alſo to lay his complaints and "obſervations before the public by the means of an open preſs*."

But it is not the proper praiſe of our conſtitution, that it *gives*, but that it *guarantees*, to every man, the juſt and moral exerciſe of this cenſorial power; which immediately reſults from that original right and gift of God, by which man exerciſes his faculties of reaſon and ſpeech; —ſpeech, whether of the tongue or the pen. This inherent right may then be called the *lex non ſcripta*, or common law of human nature; to which, all juſt and wiſe laws of human contrivance are only ſubſidiary and aſſiſtant; and of which, they are only ſpecific applications to the exigencies of ſociety; but againſt which, beyond this limitation, they have no authority.

The great queſtion then is, where ſhall we draw the line between the liberty and the licentiouſneſs of the preſs; or, in other words, how are we to define a libel?—Conſidering the inveterate taint which the practice of our courts has taken from the Star Chamber, and from the Norman imperial law through a courſe of ſeven hundred years, during a very great proportion of which time the throne has been occupied by princes of the moſt arbitrary tempers, who were but too ſucceſsful in making the true law of the land bend before them, we ought, as already ſuggeſted, to be very jealous of what thoſe courts have been pleaſed to lay down as defining a libel, and firmly to reject all their precedents and all their doctrines, not ſupported by ſound reaſon; eſpecially when we recollect, that all encroachments on the liberties of the people in this caſe, not only give ſo much arbitrary power to the crown, but likewiſe add to the juriſdiction and diſcretionary authority of the judges; who have therefore a perſonal intereſt to warp their judgment and undermine their impartiality.

And this conſideration will extend itſelf even to the opinions of the practitioners at the bar, who, as they naturally aſpire to the elevations and honours of the profeſſion, may not feel ſo intereſted as are the people at large, in the power of the judges being kept ſtrictly within its proper bounds.

* *Engliſh Conſtitution*, 280.

We ought farther to conſider, that municipal law ſhould be particularly cautious and delicate in its interference, wherever morals and manners, and the lex non ſcripta of nature, are particularly fitted and adapted to the office of influencing human actions; and the wiſe legiſlator will, above all things, avoid blunting the ſenſibility of the human mind to the laſh of ſatire; or ſtriking at the root of all morals, by not permitting the voice of *truth* to deter men from vice, or the ſalutary fear of *public opinion* operating to reſtrain their paſſions within the bounds which the good of ſociety requires.

To return to our queſtion; where, then, is the freedom of ſpeech and of writing to terminate, and municipal law to draw the line it ſhall not paſs?—It is not, I confeſs, in my power to draw it otherwiſe than I find it drawn by the great and excellent CAMDEN, who paſſed ſucceſſively through the ſeveral offices of Attorney-General, Chief Juſtice of the Common Pleas, and Lord High Chancellor, with a commanding wiſdom, a ſuperior inſight into our conſtitution, an unſullied purity, and with that which muſt endear his memory to every Engliſhman, with a generous warmth of feeling for the liberties of his country. A writing, then, to be a libel, muſt be FALSE, *malicious*, *ſcandalous*, and *wicked*; and if it be of a political nature, it muſt alſo have a *ſeditious intent*: it muſt be the evidence of a depraved nature and the offspring of a profligate heart, intending not the benefit but the injury of ſociety.

If, in a writing which to the full ſatisfaction of a jury were proved to bear theſe vicious characters, there were alſo a mixture of *truth*, ſuch writing would, undoubtedly, be ſtill a libel; but that the truth it contained contributed in any degree to its libellous nature, could never be reconciled with reaſon. What, then, ſhall we ſay to the following doctrine, applied to writings charged as libels; that, "ſuppoſing they were "*true*, the law ſays, that they are not the leſs libellous for that; nay, in-"deed, the law ſays, THEIR BEING TRUE is an AGGRAVA-"TION OF THE CRIME."—So argued the King's Attorney General for New-York, in 1735, in the caſe of *John Peter Zanger*, for publiſhing two papers, arraigning the conduct of the governor, and of which he in court avowed himſelf the publiſher; but the jury, treating ſuch nonſenſe with the ſcorn it deſerved, acquitted the defendant; and the New-Yorkers preſented *Hamilton*, his counſel, who had gone from *Philadelphia* to plead the cauſe, and would take no fee, with the freedom of their city in a gold box, for "his generous defence of the rights of mankind, "and THE LIBERTY OF THE PRESS."*

But that the diſgraceful doctrine juſt recited never gained a footing among the ſober people of North America, we may perceive by the recent Act of Congreſs, reſpecting ſedition and libel. Mr. Pickering, Secretary of State to the Union, in his letter to P. Johnſton, Eſq. of Prince Edward County in Virginia, bearing date at Trenton, the 29th of September, 1798, has theſe words:—"We may indeed uſe our tongues, employ our "pens, or carry our cudgels or our muſkets whenever we pleaſe; but at "the ſame time we muſt be accountable and puniſhable for making ſuch "improper uſe of either, as to injure others in their character, their per-"ſons, or their property. We would on this ſubject only add, that ſo "tender and regardful have Congreſs been in this inſtance of our *rights* "as Citizens, as to have expreſsly declared in the law, that any perſon "proſecuted under it, may give in evidence in his defence, THE TRUTH "OF THE MATTER contained in the publication, and that the JURY, be-"fore whom the trial ſhall be, ſhall have a right to determine the law

* *Tower's Tracts*, II. 124.

" and the fact, under the direction of the court, as in other cases. Hence " *there can be no conviction*, unless it appears not only that the matter " written, printed, or published, is FALSE, but that it was *scandalous* and " *malicious*, and done with *wicked* intent."*

Upon this Extract it is proper to remark, that when America changed in a small degree her forms of government, *she did not any where change her common law*, which, accommodated only to the slight alterations alluded to, remains in every one of the seventeen States, truly ENGLISH; being drawn from the same sources, founded on the same principles, and answering to the same definition, as the Common Law of England. And at the close of an APPEAL such as the present, how can the writer do otherwise than request his reader, while he contemplates this instance of American legislation, to recollect, that the American Congress, by a strict adherence to that principle which is the vital spark in the English Constitution, *truly represents* the several nations of the Union; and that each of those nations again, IS TRULY AND SUBSTANTIALLY REPRESENTED IN ITS RESPECTIVE LEGISLATURE?—Through a channel so pure, the purity of LAW is preserved: for such legislatures will ever defeat, or rather prevent, that wickedness of bad men, who, living by the LAW, and by the LAW raising themselves to high stations and to wealth, treacherously undermine its sacred foundations, and, with a prostitution unspeakably profligate, do all in their power, by Star-Chamber doctrines, to pollute its very principles.

December 30th, 1798.

I shall drop these remarks on the Censorial Power of the English Constitution; the Law of Libel, and the LIBERTY OF THE PRESS, by simply relating plain facts which have recently occurred, and somewhat retarded the appearance of the present volume. I applied successively to no less than six regular publishers in London, to publish this work; and was informed by each, he dared not publish on *politics*. Five of these Booksellers had not read a line of what was offered to them; and the sixth, after reading the whole with care, without meeting with any thing he thought improper, declined by letter " the favour of publishing," on account of the fears of his family, and " the apparent determination of —— to trample down every thing which oppose their views."

ON SUCH A STATE OF THE ENGLISH PRESS, IT IS FOR THE PEOPLE OF ENGLAND TO PONDER!

With a prime minister and an Attorney-General who should manfully curb the licentiousness of the Press, when it violated truth to destroy the constitution and the liberties of the country, I should most cordially sympathize; but I envy not the feelings of those, under whose administration, not even writings in vindication of those liberties and of that constitution could find a way to the public eye through the ordinary channels of communication; and who should not shrink from the idea of being handed down to an English posterity, as those under whose rod of iron the Liberty of the Press—that Angel guardian of all Freedom—should bear the disgraceful marks of violence, and be seen to droop and sicken unto death!

* See THE SUN, for Saturday, 1st December 1798; in which this letter is given at full length, and particularly stated to be " *authentic*."

SECTION XVI.

As, *in the preſent ſtate of the legiſlative repreſentation of this country*, every political occurrence which tends either to ſtrengthen thoſe who are already too ſtrong, or to increaſe the public expenditure, muſt neceſſarily increaſe that DANGER TO THE CONSTITUTION which I preſume has been ſhewn to exiſt, it may be adviſeable to notice a few of thoſe objects which at this time attract public attention. I allude in particular, 1ſt, to the projected union between Great Britain and Ireland; 2dly, to the new confederacy ſuppoſed to be forming under Engliſh auſpices, and to be held together by Engliſh gold, for renewing land operations againſt France; and 3dly, to thoſe enormous expences of the ſtate, which now ſo ſenſibly affect every man's PROPERTY.

Firſt, then, leaving to others commercial and œconomical details reſpecting an union of the two legiſlatures, I ſhall conſider it only as it is warranted by, or may affect, the Conſtitution. By the conſtitution, then, it cannot be warranted, unleſs the union be founded on a perfect independency of each kingdom prior to the contract; and be the reſult of the public will of both nations, truly and ſubſtantially repreſented in their reſpective legiſlatures, antecedently to their being melted into one: And if ſuch independency, and ſuch ſubſtantial repreſentation, could be demonſtrated not to exiſt, it would effectually demonſtrate the inutility of the ſcheme, and ſoon make us ſenſible of the danger of the experiment.

What are the objects of an *Union*, but to fortify our common freedom, to promote our common proſperity, and to increaſe our joint power? And can any thing ſo effectually conduce to theſe ends, as local legiſlatures truly repreſenting each nation; which, notwithſtanding the unequal numbers of voting legiſlators for Great Britain and for Ireland reſpectively, would ſtill preſerve the independency of the leſs populous and leſs powerful nation? But by what reaſoning it can be ſhewn, that *forty-five*, or *fifty*, or an *hundred* Iriſh repreſentatives in a joint parliament ſitting at London, would prove the *independence* of Ireland, or ſecure to her a due regard to her intereſt when it came in competition with the intereſt of Great Britain, I am at a loſs to conceive.

While the legiſlatures are ſeparate and independent, and provided that of Ireland were not ſubject to a corrupt influence from the crown, then Britain could no otherwiſe tyrannize over Ireland than openly and by the ſword; which, reaſoning *conſtitutionally* and on human probability, we may fairly preſume never would happen: Whereas, let her once annihilate an Iriſh parliament, and juggle or overawe Ireland into an acceptance of a ſmall minority of ſeats in a joint legiſlature; then, from that moment Ireland loſes together with her independence the protection of her own rights and her own intereſts; and ſinks helpleſs at the ſide of Britain into a legal thraldom, in which ſhe may be ſecurely oppreſſed, without remedy; and ſuffer the greateſt wrongs, by the operation of law.

That an incorporating union between the two kingdoms would facilitate to future miniſters the means of ruling Ireland by an Engliſh, and England by an Iriſh ſoldiery, is but too evident: and when we reflect on *the preſent ſtate of the legiſlative repreſentation* of Ireland, and on the vaſt Engliſh army at this time in that diſarmed country, perhaps we ſhall ſee that, for our national character, this, of all others, muſt be the worſt ſeaſon for urging upon the ſiſter kingdom this project of an incorporating union.

Nor can this reaſoning, if it have weight in reſpect of Ireland, be leſs

cogent on behalf of our own country; inaſmuch as the ſlighteſt reflection muſt ſhew, that an undue influence over ſo conſiderable a portion of the united countries, as Ireland, after the experience we have already had of the crown's influence over Scotland, muſt operate moſt fatally againſt the liberties of England; and not the leaſt ſo, by largely adding to that vaſt maſs of *confuſion*, already attendant on what relates to the CONSTITUTION.

One word more on this incorporating project.

We, who have firſt demonſtrated the wrongs of our country, before we humbly petitioned for her rights; we, I mean, who have repeatedly prayed that our repreſentation may be reformed according to the principles of our conſtitution, have as repeatedly been rebuked, for not having duly weighed the magnitude of the meaſure; and been ſtigmatized as agitators of a dangerous queſtion. For twenty years paſt, whether at war or at peace, whether at a ſeaſon of much occupation or of the greateſt leiſure, we have uniformly been told, "*This is not the time.*"—What! is this not a time for receding from error; for correcting abuſe; for removing oppreſſion; and for ſtaying the career of injuſtice?—and is it a time only for ſporting with the ſacred principles of our conſtitution; for ſyſtems, that are at once ſyſtems of taxation and of terror; for political novelties the moſt perilous; and for experiments on national intellect and national patience? If Parliamentary Reformers are any more to be calumniated, as *Innovators*, and ſcoffed at as raſh and inconſiderate perſons, I hope it will not be by the promoters of an incorporating Union between Great Britain and Ireland.

Grand may be the conception of throwing acroſs the Iriſh channel an *iron* bridge; but if one of its abutments ſhall reſt on the bog of dependence; and the other, on the quickſand of faction; it cannot long ſtand, beneficially to unite the two countries.

Secondly: If Buonaparte and his army be either no more, or ſufficiently occupied in maintaining themſelves in Egypt; and if Touſſaint have given independence to St. Domingo; France muſt be equally impotent to annoy us in the Eaſt and in the Weſt; and being alſo completely humbled at ſea, by the unparalleled achievements of our navy, has England a remaining object for continuing the war?—At ſuch a period, when we ſhould naturally look for peace, a new motive to continue the war is conjured up; and, in a jargon as rational as any we have yet heard about religion, regular government, and ſocial order, we are now forſooth told, we are to expend more millions, and to pour out more Engliſh blood, for "*the deliverance of Europe*;" and in the very moment too, when the German empire is providing for its own deliverance by ſigning with France the conditions of peace.

But, it ſeems, the French Republic is likely to be more powerful than is agreeable to the Houſe of Auſtria and to the Emperor of all the Ruſſias. Suppoſing it be ſo, what is that to us? Great as is the French dominion at *land*, who will ſay it is ſo extenſive and ſo abſolute, as the dominion of England by *ſea*? Powerful as France may be on the continent of *Europe*; will any one maintain, that the power of England, when her dominions, not only in *Europe*, but likewiſe in *Aſia*, *Africa* and *America*, are all taken into the account, is too ſmall? French ambition, then, may very fairly be balanced by Engliſh ambition; and, could we but be perſuaded the world were wide enough for us both, we might think it high time we ſheathed, in pity to mankind, the reeking ſword.

When we, who have no longer a conceivable intereſt in ſhunning peace, are told we are ſtill to bear the burthens and the ſcourge of

war, for "*the deliverance of Europe*," ſhall we not look at the map?—ſhall we not contemplate the different political conſtitutions of the contending parties?—and ſoberly conſider, what can be really meant by the language in which we are addreſſed?—Turning then to the map, we ſee Europe of a ſize to take care of herſelf: Adverting to the conſtitutions of the governments which are oppoſed to each other, we know, that it is by an alliance, not with the Engliſh treaſury, but with their own degraded ſubjects, the courts of Auſtria, Germany and Muſcovy, may effectually withſtand the arms of France. Whether the frontier of the Republic be marked by a Rhine, or a rivulet, it were in the way of hoſtility equally impaſſable to her, were but Germany a *free*, and an *armed* nation.—If theſe Germans for their deliverance muſt have Engliſh gold, let it in God's name be given, as it becomes a wiſe and virtuous people to give; and be received, as it becomes a wiſe and virtuous people to receive! Let it be applied in a way the moſt efficacious for ſecuring the object in view, for working out a real deliverance! Be this Engliſh gold, then, expended in communicating to them the bleſſings of an Engliſh conſtitution; with its ſubſtantial repreſentation for internally ſecuring Liberty and Property; and its Poſſe Comitatuum, for externally bidding defiance to invaſion!

If, then, from this phraſe,—"*the deliverance of Europe*"—we are to collect no more than that Engliſh money and Engliſh blood are to be ſtill laviſhed, for defending the arbitrary and odious power by which a few deſpotic princes tyrannize over large nations of human beings, we ſhall not ſee a very inviting cauſe for continuing at war. If, by —"the deliverance of Europe"—Mr. Pitt mean, the deliverance of their Pruſſian, Hungarian and Ruſſian Majeſties, from all fear on account of the unprincipled partition of Poland; and to guarantee to them dominions obtained by the moſt impious violation of human and divine law on the part of their ſeveral predeceſſors; the Engliſh nation ſurely has no intereſt to promote, no honour to gain, by bleeding in ſuch a cauſe.

To thoſe who are endowed with the faculty of reading the human heart, panting for freedom as the ſparks fly upwards;—and of equally underſtanding the heart of thoſe ſovereigns whoſe very natures are changed by the poſſeſſion of arbitrary power; it hath perhaps already appeared, a great conteſt hath commenced, which muſt, ere another century expire, terminate in a complete triumph of political liberty, or in univerſal and the moſt degraded ſlavery, throughout Europe. On which ſide the arms of England ought to appear, if they are to be employed at all, is for Engliſhmen to decide. For my own part, it is, I confeſs, no ſatisfaction to me, to ſee them employed on the ſide of all the deſpotic governments, and againſt thoſe only, which, like our own, reſt on popular repreſentation, and conſequently on political liberty, as their foundation. I cannot rejoice, that, in addition to the coalition of deſpotiſm with which we were before united, we can now number another ally, whoſe deadly dominion, ſpread over the country of the once renowned Greeks, both European and Aſiatic, hath, like the fabled poiſon-tree of Java, ſtricken that populous, active and claſſic region with deſolation; beſpeaking only its former grandeur by its preſent ruins; and in the place of animating liberty, unrivalled genius, and endleſs works of enchanting art; now preſenting to the indignant and melancholy traveller, nought but ſlavery the moſt abject, ignorance the moſt deplorable, and brutality the moſt diſguſting.—At ſuch alliances I confeſs my Engliſh nature revolts.

That I am as little diſpoſed as any Engliſhman to ſubmit to French incroachment on the juſt rights of England; or even to accept of inſidious profeſſions of ſervice, towards reſtoring the conſtitution of my country, I truſt has amply appeared; as well as that I have pointed out the moſt certain, as well as the moſt œconomical means of ſetting her power at defiance. Conſcious, then, of being no friend to French ambition, or to French perfidy, that in the common cauſe of human nature I am a ſincere friend to French freedom, I ought, and I will avow. Mr. Pitt, I know, tells us France has no freedom; but that her government is at this time the eſſence of deſpotiſm: And the deliverance of France from ſuch a government, has been amongſt the profeſſed objects of the war.

In Mr. Pitt's wiſhes to deliver France from a government founded on *legiſlative repreſentation*, and *popular election*, I can give him full credit for ſincerity: but that will not include a neceſſity of ſubſcribing to the truth of his aſſertions, when they are ſelf-evidently abſurd.—Is the French government now deſpotic, becauſe the *legiſlature* is elected by the *people*, and the *executive power*, by the *repreſentative body*?*—Do we recognize the features of deſpotiſm, in an Executive conſiſting of five perſons, one of whom annually lays down his regal power and retires into private life?

It is eaſy to call names and to vent calumny; but if the deſpotiſm of the French government could be proved, we may imagine Mr. Pitt, inſtead of declamation, would give us evidence. We hear much, indeed, of the deſpotiſm of conſcriptions and requiſitions for upholding the French armies; but is not the militia of every free country upheld by compulſory laws, and laws that impartially operate on the whole community? And is not the legiſlature of ſuch a country the proper judge of all ſtate neceſſity?

But perhaps Mr. Pitt, with means of intelligence in his hands of which I cannot boaſt, may have diſcovered proofs of his accuſation againſt the French government, and facts to convict it of deſpotiſm, of which I am ignorant. Has he, I would know, diſcovered that the French Directory have arrived at the means of *filling the legiſlative body with Placemen and Penſioners*?†—If ſo, I will lend a willing ear to his lectures on government.

Have the French Directory entailed on their own children the ſovereign power?—Have they conferred on the Council of Antients hereditary authority, and taken to themſelves all future creations?—Or have they revived Epiſcopacy in a ſtate of ſervile dependence on themſelves, and metamorphoſed Biſhops into Legiſlators?—If they have done theſe things, my converſion to Mr. Pitt's opinion of the French government will go on ſwimmingly.

Are the French Electoral Aſſemblies already degenerated into Rotten Boroughs, and have the Directory at command a *Borough Faction*?—If theſe are all facts, Mr. Pitt, I acknowledge, will have little difficulty in convincing me, that the government of France is become the eſſence of deſpotiſm. But while I can no where ſee in the old world any ſhadow of political liberty, except in England, in France, and in the other new

* Although I think there is a material defect in the elective ſyſtem of France, yet, *repreſentation* being its principle, it muſt be allowed to be a free government, until, by corruption's availing itſelf of the defect alluded to, it ſhall ceaſe to be truly repreſentative.

† When Garat went as Miniſter to Naples, and Sieyes to Berlin, both their ſeats in the legiſlature were vacated; without the poſſibility of a re-election while holding an office under the Directory. And the ſame happened to Jourdan, on lately accepting a new command in the army.

Republics founded on REPRESENTATION, no ſophiſtry will perſuade me, it is other than wickedneſs in the extreme, to ſtrike at theſe inſtitutions; and, if the act of *Engliſhmen*, 'twere a wickedneſs peculiarly marked with baſeneſs and with folly: nor will any hypocriſy be able to cant me into a belief, that the cauſe of genuine religion and true ſocial order can require Engliſhmen to make a common cauſe with all the deſpotic ſovereigns around; when experience ſhews, no conſiderations of religion or ſocial order can long reſtrain them from making on each other the moſt bloody war, whenever lured by the temptation of extending dominion, or of reducing under their yoke an additional number of human beings.

Before I drop the preſent topic, I muſt remark, that I have not meddled with the characters of French *ſtateſmen*, but ſimply vindicated, where entitled to vindication, the French conſtitution; in which I confeſs I feel an intereſt; becauſe, having for its vital principle *legiſlative repreſentation*, it cannot be ſucceſsfully brought into contempt, by *general* calumny and abuſe, without the conſtitution of England at the ſame time receiving a wound.

On the third, and laſt of the topics now under conſideration; viz. the enormous burthens borne by the people, it remains only to ſay a few words.

'Tis not the true objection to the Income Tax, that it preſſes here, or pinches there;—that it ſweeps into the exchequer all the little ſavings of the induſtrious man, at the hazard of his ſinking under unforeſeen misfortune, or the viſitation of God in the form of ſickneſs;—nor that it deprives of various comforts thouſands, and tens of thouſands, who have hitherto had peculiar enjoyment in ſuch comforts, from contemplating them as the happy fruits of an Engliſh Conſtitution:—No: It is, indeed, poſſible,—it is, I ſay, poſſible, that under the beſt conſtitution of ſtate, the public *neceſſities* at critical periods might demand ſuch ſacrifices: but this is the only queſtion it becomes an Engliſhman to aſk;—Is THIS GRIEVOUS PER-CENTAGE ON ALL INCOME, IN ADDITION TO ENDLESS TAXES OF ALL OTHER DESCRIPTIONS, LEVIED ON THE PEOPLE OF ENGLAND BY A COMMONS HOUSE OF PARLIAMENT, SUCH AS ALONE HATH A RIGHT TO TAX THIS NATION; OR IS IT LEVIED BY THE ABSOLUTE POWER OF THE KING'S MINISTER?

It was not the complaint of the immortal HAMPDEN, that Ship-money was an *oppreſſive burthen*; but that it was an *unconſtitutional exaction*. This alone was the objection that weighed with that great man. On this ground, he reſiſted the tax; on this ground, the nation joined in that reſiſtance; and on this ground, poſterity have done juſtice to his virtue.

Let me, in the ears of my Countrymen, repeat my queſtion—Is THIS INCOME TAX, WHICH MUST MAKE ITSELF FELT LIKE AN EARTHQUAKE IN EVERY HOUSE ON THIS ISLAND, TO BE LEVIED BY REPRESENTATIVES OF THE PEOPLE; OR, BY THE ABSOLUTE POWER OF THE KING'S MINISTER?—If by the former, 'tis well: if by the latter,—if, I ſay, by the latter—let the heart of every Engliſhman dictate its own anſwer!

'Tis a queſtion, I know, that demands ſober inquiry and calm diſcuſſion. It is through the medium of ſober inquiry and calm diſcuſſion alone, I invite my Countrymen to enter upon it; and I may be permitted to ſay, this book has been written to little purpoſe, if it do not throw ſome light on this moſt important of all queſtions, touching an Engliſhman's PROPERTY.

"The ſupreme power," ſays Mr. Locke, "cannot take from any man any part of his PROPERTY, without his own conſent. For the preſervation of PROPERTY being the end of government, and that, for which

men enter into ſociety, it neceſſarily ſuppoſes and requires, that the people ſhould have PROPERTY, without which they muſt be ſuppoſed to loſe that, by entering into ſociety, which was the end for which they entered into it; too groſs an abſurdity for any man to own. Men, therefore, in ſociety, having PROPERTY, they have ſuch a right to the goods, which, by the law of the community, are theirs, that nobody hath a right to take their ſubſtance, or any part of it, from them, without their own conſent; *without which they have no property at all:* for I truly have no PROPERTY in that, which another can by right take from me, when he pleaſes, againſt my conſent. Hence it is a miſtake to think, that the *ſupreme* or *legiſlative* power of any common-wealth can do what it will, and *diſpoſe of the* ESTATES *of the ſubjects arbitrarily*, or take any part of them at pleaſure."——" For a man's *property* is not at all ſecure, *though there be good and equitable laws to ſet the bounds of it between him and his fellow-ſubjects*, if he who commands thoſe ſubjects" [meaning, as the context ſhews, " the *ſupreme* or *legiſlative power*"] " have power to take from any private man, what part he pleaſes of his PROPERTY, to uſe and diſpoſe of it, as he thinks good." C. II. §. 138.

" 'Tis true, governments cannot be ſupported without great charge, and 'tis fit every one, who enjoys a ſhare of the protection, ſhould pay, out of his eſtate, his proportion for the maintenance of it. But ſtill it muſt be with his own conſent, i. e. the conſent of the majority, giving it either by themſelves, or by REPRESENTATIVES, choſen by them. For if any one," [or, by the context, " the *ſupreme* or *legiſlative* power"] " ſhall claim a power to lay, or levy, taxes on the people, by his own authority, and without SUCH CONSENT OF THE PEOPLE, he thereby invades the fundamental law of PROPERTY, and SUBVERTS THE END OF GOVERNMENT: For what PROPERTY have I in that, which another" [or, by the context, " the *ſupreme* or *legiſlative* power"] " may by right take, when he pleaſes, to himſelf?" §. 140.

For the application of Mr. Locke's doctrine, ſee the paſſages in this Appeal referred to under the heads of *Property*, *Election*, and *Repreſentation*. And in peruſing p. 68. let the Reader recollect, that, inſtead of that only true conſtitutional militia, the Poſſe Comitatus, ſerving and officered with *almoſt no expence* to the ſtate, we have now a body of *ninety thouſand mercenary troops*, under the denomination of militia, each colonel of which is in the receipt of £1000. per annum of the public money, and a very great proportion of them ſitting in parliament.

When the ſingle vote, " that this bill do paſs," levies on the people in one individual tax TEN MILLIONS STERLING; when, in the progreſs of the Bill, ſo little is thought of *the People or their Property*, that not even forty members ſometimes condeſcend to attend the Houſe of Commons *; and when, although the war were to continue ſeven years longer, this tax, contrary to the ſpirit of the conſtitution, and to the antient practice of parliament, is to be every year levied without a renewal of the grant, or any new deliberation;—when all theſe things occur, is it not, I aſk, high time that Engliſhmen inquired, WHETHER THERE BE ANY THING THEY CAN CALL THEIR PROPERTY; and, if there be, WHETHER THE CONSTITUTION PROVIDE ANY MEANS FOR ITS PRESERVATION?

If the People of England can be ſo off their guard, and ſo untrue to themſelves, as to be diverted from their TRUE DANGER, by goblin ſtories

* How the levying a Tax of Ten Millions was attended to, *in an aſſembly conſiſting of five-hundred and fifty-eight members*, may be ſeen by conſulting the Proceedings of the Houſe of Commons for Saturday 29th Dec. 1798.

conjured up by an apoſtate from the truths and the ſacred principles of their conſtitution; or can, like children, be gulled and duped by a pick-pocket Impoſtor, into the ridiculous amuſements of ſedition-hunting, of cruſading for chriſtianity in the company of Turks, or of uniting two iſlands which God and Nature have ſeparated by an arm of the ocean; while he juggles them out of their property and their liberty; while he terrifies their preſs into ſilence, claps his padlock on their very lips, and commits their perſons to the cuſtody of military mercenaries;—If the People of England, I ſay, are capable of theſe things, then it is plain, they are no longer ſuch a people, as thought, and felt, and acted with HAMPDEN!

SECTION XVII.

SUPPLEMENTARY. *Feb.* 18, 1799.

Farther delays in the publication of this work give me an opportunity of noticing a doctrine, which long ſince began to ſprout up from among the ruins of our repreſentation, but which of late has flouriſhed to an extraordinary degree. We have been repeatedly told, that each member of the houſe of commons is not the mere repreſentative of the county, or city, or borough, by which he was ſent thither, but of *the whole kingdom:* and, with the ſame facility of ſpeech, he is now, it ſeems, to be the repreſentative of *the empire.*

A gentleman of the houſe of commons, in recommendation of the new legiſlative treat the miniſter is preparing for the Iriſh nation, (if his ſpeech on Thurſday laſt be faithfully reported) aſſerts, that "Whenever "a member takes his ſeat in that houſe, he is the *repreſentative*, not of the "particular diſtrict where he was *elected*, but of the nation at large. "Thus the hundred members for *Ireland* would be as much the *repreſen-* "*tatives* of *England* as of Ireland, and the five hundred and fifty-eight "Britiſh members would be as much the *repreſentatives* of Ireland as of "Great Britain. From this conſideration, then, it would appear that Ire-"land, inſtead of having only three hundred repreſentatives, as at preſent, "would, after the Union, have ſix hundred and fifty-eight. *This was* "*the true point of view in which the queſtion ought to be viewed.*"

It is much in the ſame ſtrain Lord *Peter*, in the Tale of a Tub, argues with his two younger brothers, when he invites them to an entertainment, at which they are taught to expect a ſubſtantial and delicious repaſt. But inſtead of the good things they looked for, he gravely ſets before them a hard cruſt, which he is pleaſed to call "the quinteſſence of beef, mutton, "veal, veniſon, partridge, plumb-pudding, and cuſtard: and, to render "all complete, he likewiſe informs them, there is intermixed a due quan-"tity of water, whoſe crudities are alſo corrected by yeaſt or barm, *through* "*which means it becomes* a wholeſome fermented liquor, diffuſed through "the *maſs* of the bread."

Martyn and *Jack*, in hopes of better fare, firſt joke a little, and then remonſtrate: but Lord *Peter*'s great learning and eloquence ſoon ſtops their mouths. "Look ye, gentlemen," cries *Peter*, "to convince you what "a couple of blind, poſitive, ignorant, wilful puppies you are, I will uſe "but this plain argument:—By G—d, it is true, good, natural mutton, "as any in Leadenhall-market; and G— confound you both eternally, if "you offer to believe otherwiſe!" Having thus ſilenced all objections, and brought his brethren to ſubjection, reſuming his chearfulneſs, he pro-

poſes a hob or nob in bumpers of *claret*; and then preſenting each of them with "another large dry cruſt, bids them drink it off, and not be baſh-"ful; at the ſame time aſſuring them, it is true natural juice from the "grape, none of your damned vintner's brewings." Whether in the ſequel miniſter Pitt will reaſon down Iriſh oppoſition in Lord Peter's manner, remains to be ſeen. But I ſhrewdly ſuſpect he muſt either reaſon after this manner, or he will not prevail on the Iriſh to reliſh his well-ſeaſoned diſh of repreſentation, any more than *Martyn* and *Jack* reliſhed the mutton and claret of their brother, who was *grand-papa* to three-fourths of the Iriſh nation.

But to be ſerious, this new notion of a member for Old Sarum or Dunwich being the repreſentative of the whole kingdom, or the whole empire, muſt, at this peculiar criſis, well deſerve the ſober attention of both Ireland and Great Britain.

Doctor Johnſon ſays, "A *repreſentative* is one exerciſing the *vicarious* power given by another:" and that by "*vicarious*" is meant "*deputed*; *delegated*; *acting in the place of another*."

Here then is the plain literal meaning of the word *repreſentative*; and in this plain ſenſe is it intended and underſtood by our law and conſtitution. The appellation of *attorney* to members of parliament in antient times, is, amongſt a thouſand others, a ſufficient proof of their being conſidered in this *vicarious* light; and, as Johnſon ſays, the word was antiently uſed for thoſe who did *any* buſineſs *for another*; and that the verb "to attorney" ſignified "to perform by *proxy*;" and a proxy he calls "the perſon ſubſtituted or deputed."

It has only been in modern times, ſince *repreſentation* has become in practice nearly a non-entity, that it has aſſumed this new, viſionary, unſubſtantial character; for in proportion as gentlemen have in fact approximated towards the repreſentation of nobody, they have been particularly anxious to have it thought they repreſented every body. In reſpect of themſelves, theſe gentlemen, I confeſs, are wiſe enough; but the nation, I truſt, will not be ſo fooliſh as to let ſuch notions paſs current. For it is very certain, that he who by the purchaſe of a borough has bought an hereditary ſeat in parliament, although he may pleaſe himſelf with the high-ſounding title of repreſentative of the Britiſh empire, is, in fact, the repreſentative of no one but *himſelf*.

Can it be neceſſary to obſerve that REPRESENTATIVE and LEGISLATOR are not, in our language, ſynonymous terms, nor have by any means the ſame ſignification? That they were convertible terms, was certainly unknown to the learned Johnſon, who was by no means ſparing in detailing the various ſignifications of words; for he recites no leſs than *forty* ſignifications of the prepoſition FOR. His explanation of the term "repreſentative" has been already given; that of "legiſlator" is "a lawgiver; one who makes laws for any community."

Any well-meaning man, who had confounded theſe two characters of repreſentative and legiſlator, and who, become jointly concerned in making laws for a whole nation, had fancied himſelf the whole nation's *repreſentative*, might, one would hope, have been ſet right by a mere reference to his dictionary: but becauſe there are other cauſes for this confuſion of ideas, beſides want of comprehenſion; and becauſe it is not only eſſential to our reputation for common ſenſe, but is alſo of the higheſt political importance, that we ſhould not be talked out of the true meaning of the word REPRESENTATIVE, which, next to the word LIBERTY, is the beſt word in the Engliſh language, it will be expedient to go a little deeper into this inquiry.

When a gentleman tells me he is the repreſentative of *the whole nation*, I muſt aſk him, Have you been elected, Sir, by the whole nation to perform, in conjunction with the king and the peers, the office of legiſlation? Have the nation, confiding all their intereſts and all their affairs to you alone, diſpenſed with the attendance of the other five hundred and fifty-ſeven members? And if I go on to aſk, what is meant by the word *nation?* the anſwer, I preſume, muſt be, the aggregate or ſum total of the perſons of which it is compoſed: but, for our preſent purpoſe, it were better expreſſed thus, viz. it is the aggregate, or ſum total of the *elective bodies* of which it is compoſed; as the ſaid elective bodies are again aggregates of the *individual perſons* they reſpectively contain. As all the people *collectively*, or as all the elective bodies *collectively*, conſtitute the nation, ſo all the repreſentatives *collectively* conſtitute the repreſentatives of the nation. But as no individual man, or as no individual elective body, can be called *the nation*, ſo no repreſentative of an individual elective body can be called *the repreſentative of the nation.*

Hence it is plain the whole houſe of commons can alone repreſent the nation, as each individual member repreſents the elective body which ſent him thither, and nothing more. I cannot conceive this argument to want illuſtration. To my own mind it has irreſiſtible evidence: but let us ſee how we reaſon in a caſe *ſomewhat* ſimilar. I ſay *ſomewhat ſimilar*, becauſe I don't mean to reſt an important truth upon the language of alluſion. In money itſelf, we have neither food nor raiment, nor any neceſſary for the ſupport or comfort of life; but it is univerſally conſidered as the equivalent, the image, or *repreſentative* of property. Suppoſe, then, the horſe I ride to be intrinſically worth twenty Engliſh guineas, equal to 20,160 farthings: we then ſay the ſum of twenty guineas is the pecuniary *repreſentative* of my horſe: but it would be an odd fancy in one of theſe farthings; (I am ſuppoſing them ſuch farthings as Æſop carried in his pocket) I ſay it would be an odd fancy in one of theſe farthings, to call *himſelf* my horſe's repreſentative, while, in fact, he would barely repreſent the nails in his ſhoes. He would, in truth, be the twenty thouſand one hundred and ſixtieth part of my horſe's repreſentative, but nothing more; as the member for Tamworth is the five hundred and fifty-eighth fraction of the nation's repreſentative, and nothing more.

To the commercial gentleman whoſe ſpeech I have quoted, let me now ſtate a commercial caſe.—Three partners, John, Thomas, and Samuel, conſtitute "an opulent houſe of great wealth, trade, and connexions, un-"der one firm;" bu it ſo happening, that none of them can conveniently conduct the buſineſs in perſon, they agree to have it done by three clerks, each chooſing one of theſe clerks, to be paid out of his ſeparate purſe, and to follow his ſeparate inſtructions in all things appertaining to his *particular* intereſt; while, at the ſame time, in reſpect of *the common* intereſt, he is to act *in conjunction* with the other two; and when they happen not to be unanimous, the voice of a majority is to prevail. Now, as evidence *of a proper authority*, each partner gives his own clerk *a letter of attorney*. I then aſk, would it not be to trifle with words, to call the *clerk* appointed, paid, and removeable by John, the *attorney* of Thomas or of Samuel? or, becauſe he were *joint clerk*, or *joint manager* of the trade, to call him the *attorney of the firm?* And is there not as clear a diſtinction between the idea of a *repreſentative* and a *legiſlator*, as between that of an *attorney* and a *clerk?*

Our repreſentative farthings, when above 20,000 of them are *united*, can, as we have ſeen, *command* the ſervices of a horſe worth twenty guineas, as five hundred and fifty-eight members of parliament, in their

collective capacity, can give laws to the people. But ſtill the character of *repreſentative* and of *legiſlator* are eſſentially diſtinct. Being a legiſlator is the *effect*, of which being a repreſentative is the *cauſe*. The legiſlator cannot exerciſe his functions in the ſtreets, becauſe legiſlators are only ſuch *collectively*; nor can a repreſentative put off his character in the ſenate, becauſe he is a repreſentative individually.

In familiar diſcourſe we talk of *the houſe of commons*; but on all ſolemn occaſions, as when we petition, or the like, that aſſembly is ſtiled THE COMMONS OF GREAT BRITAIN in parliament aſſembled.—How aſſembled? *By their repreſentatives!*—*Mr. Pitt perſonates* the electors of the univerſity of Cambridge; *Mr. Fox*, thoſe of Weſtminſter; *Mr. Wilberforce*, thoſe of Yorkſhire; and *Mr. Peele*, thoſe of Tamworth; and each, becauſe *elected* and *delegated* by thoſe electors reſpectively, to perſonate them in the aſſembly of THE COMMONS OF GREAT BRITAIN; there, in the making of laws, which is the expreſſion of the *public will*, to exerciſe THEIR proportion of the public authority, and there to give THEIR vote towards the aſcertainment of what *is* the public will.

Nothing can be more intelligible. If, indeed, theſe gentlemen ſat in their own right, we ſhould have no queſtion to diſcuſs; but, ſitting as they do, the mere repreſentatives or attorneys of others, we muſt not allow them to ſhake off any part of their proper character, nor to aſſume one which does not belong to them. Of a member of parliament choſen *by* Tamworth, neither our conſtitution nor common ſenſe can make any thing more than *a repreſentative* of TAMWORTH, and *a joint legiſlator* for the kingdom.

In money, we know a ſhilling has the *power* of twelve pence, and a guinea has the *power* of twenty-one ſhillings; but who ever called a penny the *repreſentative* of a ſhilling, when it poſſeſſes only the twelfth part of the power; or a ſhilling the *repreſentative* of a guinea, while poſſeſſing only the one-and-twentieth part of the power of the guinea?

It is no uncommon thing for orators to forget, that almoſt every word in any language has ſignifications more or leſs *figurative*; nor is it leſs common for them to play off upon us, a figurative ſignification, when they mean we ſhould take it literally. In a mere figurative ſenſe we all know, that the word *repreſentative* may not only ſignify *legiſlator*; but likewiſe *king*, *ambaſſador*, and ſo forth; but *the member for Tamworth*, although doubtleſs a joint legiſlator, will not ſtile himſelf either king or ambaſſador of Great Britain. In the figurative ſenſe, we very properly ſay the ambaſſador *repreſents* the nation; but a man may be an ambaſſador, who has not a ſeat in either houſe of parliament, which could not be, if the words *legiſlator* and *repreſentative* were ſynonimous.

If we could reverſe cauſe and effect, and if a man's being a repreſentative becauſe he is a legiſlator were true, it would follow, that all the lords of parliament, and even the bench of biſhops, are *our repreſentatives*. And having got amongſt the peers, let us ſee how they conſider the ſubject of repreſentation. As peers, they hold ſeats in parliament in their own right. But when it is not convenient to a peer to attend in perſon, and he ſtill chooſes to exerciſe *his* legiſlative right and power, he appoints a *proxy*. And ſometimes ſeveral of them chooſe as their proxy one and the ſame peer. Here, then, a peer ordinarily, and when he does *his own* buſineſs, repreſents only *himſelf*, in whoſe *right* he holds his ſeat and has one vote. Sometimes he is proxy for another, in which caſe he has *two votes*, becauſe he *repreſents two perſons*; and if he be proxy for nineteen abſentees, he will have *twenty votes*, becauſe he *repreſents twenty perſons*: and by the ſame rule he might repreſent *all the peerage*: but then it could only be by his

being actually *elected* to that office *by* all the peers reſpectively; for the bubble of virtual repreſentation never yet got amongſt men, who had in their own hands the exerciſe of their own rights.

Hence it ſhould ſeem pretty plain, that if any one were really to repreſent *all England* in the houſe of commons, he muſt have five hundred and thirteen votes, and if the whole iſland, five hundred and fifty-eight votes.

But let us ſee what this new imperial logic, if admitted, would make of our biſhops. It proceeds thus. A gentleman is elected a repreſentative, or member of parliament, or legiſlator, by Briſtol: but legiſlators make laws for the whole empire: — ergo, the gentleman is a legiſlator, or member of parliament, or repreſentative, of the whole empire. Now, if this logical ſieve, or rather riddle, would hold water, we might ſay, a proteſtant divine is elected a biſhop by Briſtol: but biſhops make laws for the whole empire; that is, for all the people ſubject to the Britiſh empire: — ergo, this proteſtant divine is a biſhop of the whole empire; that is, a biſhop of all the religious ſects who are ſubject to the Britiſh empire; conſequently, he is not only an Engliſh and Iriſh biſhop over the church of England ſect, but he is equally a Scotch biſhop over *preſbyterians*; a Canadian biſhop over *papiſts*; and a Bengal biſhop over *Gentoos* and *Bramins*: nay, for aught I know, he might alſo be a biſhop over plenty of *pagans*; for, perhaps, the Britiſh empire extends over numerous iſlands in the Pacific ocean *by right or diſcovery*; and I recollect that one in particular of our modern navigators, on landing on a South-Sea iſland, in due form "took "poſſeſſion of the ſame, and *of all the iſlands in ſight*, in the name of his "majeſty king George."

But to return to a little ſober ſenſe, the plain obvious truth is, that the Engliſh conſtitution, as well as common reaſon, rejects every idea of legiſlative repreſentation not derived from actual election and free ſpontaneous appointment. It runs throughout, from the people to the peer and prince. The people are to *elect* their own repreſentatives to *perſonate* them; an abſent peer *elects* his own proxy to *perſonate* him; and the king, when he himſelf does not give his aſſent to laws, *elects* his own repreſentative commiſſioners to *perſonate* him, and to give that aſſent in *his* name: and invariably the character of repreſentative is ſtrictly *limited* by the *degree of power* which the conſtituent poſſeſſed. More than he has he cannot give. The king's commiſſioners, *as ſuch*, have authority to give the royal aſſent or diſſent, and nothing more. The proxy of a peer, *as ſuch*, has authority to give the vote of his principal, and ſometimes to communicate that principal's reaſons for ſuch vote, but nothing more: and ſo the repreſentative of any elective body of the people can only contribute towards national authority that portion of power inherent in thoſe who elected him, as a component part of the nation. As they are not the nation, he cannot be the repreſentative of the nation.

If this new doctrine of repreſentation had any foundation; if repreſentative and legiſlator were ſynonymous and convertible terms, France, inſtead of fortifying her own repreſentative government, by what ſhe is doing in all the conquered countries, is exhibiting great political folly; becauſe, according to the new doctrine, Holland, Flanders, Switzerland, and Italy, were before all under *repreſentative* government, for they had all *legiſlators*.

And when I have read that the art of governing *by repreſentation* was the happieſt diſcovery of political wiſdom, little did I think I was reading a panegyric on the government of Algiers or Morocco, where *legiſlators*, ſuch as they are, may doubtleſs be found.

The gentleman whoſe words I have quoted, I take to have fallen very innocently into an error, by copying examples which he has conſidered as

authorities; whereas it is neceſſary in ſuch matters to be cautious, becauſe, as I have been well informed, nonſenſe is ſometimes uttered by very cunning men, — aye, and with a deep meaning too. Let us, therefore, follow up this doctrine of each individual member being the repreſentative of *the whole nation*, until we diſcern its true meaning and real effects.

I will not be guilty of an impertinent inſult to the public, by ſuppoſing *Old Sarum* to inſtruct its repreſentatives; but let us ſuppoſe *Weſtminſter* to do ſo. If then their office be "vicarious;" if they have been "deputed or delegated" as "attorneys," merely to act *in the place* or *ſtead* of the electors of Weſtminſter; in ſhort, to perſonate THEM in the aſſembly of THE COMMONS OF GREAT BRITAIN, it is plain they cannot, without a direct breach of truſt, diſobey inſtructions; although, if the inſtructions were immoral, and tending, in the judgment of the repreſentative to do miſchief, he might be freed from the inconveniences of obedience by reſigning his ſeat. But an unfaithful repreſentative maintains the abſurdity, that an *election* by the people of *Weſtminſter* had made him *a repreſentative of the whole* people of Great Britain; and if this were true, then, indeed, in caſe he were not inſtructed by *a majority of the whole people of Great Britain*, he would not be under any obligation to obedience. HERE, THEN, WE SEE THESE GENTLEMEN DO NOT TALK NONSENCE FOR NOTHING. It is to get rid of all reſponſibility to their conſtituents, they talk this pompous jargon, reverſing, in their language, cauſe and effect; and in their conduct ſetting at nought the moral obligation of fidelity to thoſe who have repoſed in them the higheſt and moſt ſacred of human truſts.

It is not a man's being a legiſlator that *makes him* a repreſentative, but juſt the reverſe. It is his being a repreſentative that *makes him* a *vicarious* legiſlator; for in true conſtitutional and legal intendment, it is his conſtituent, the elective body, that is *preſent* in parliament, (as the king in legal intendment is always preſent in his courts of law,) by or through his mere repreſentative agency; not as principal, but as proxy; not as one having any inherent right to ſo large a portion of power as belongs to an elective body, but as the attorney of that body, to tranſact its buſineſs and *receive its wages*.

LAW is the expreſſion of the will of a nation. When the nation is too large for aſſembling together, how is law to be made? Each portion of the nation gives its vote by its delegate, proxy, attorney, or repreſentative, and a majority of votes decides what ſhall be law; or, in other words, the will of the nation on the ſubject in queſtion. It is thus only that we can conceive the poſſibility of complete authority; and notwithſtanding any defects in practice, this unqueſtionably is the ſtandard or rule by which, in the abſtract, we muſt judge of or define law.

On the preſervation of political liberty depends ſocial happineſs. Political liberty can only exiſt where *a people make* their own laws, either perſonally or by repreſentatives. Repreſentatives are choſen to be the organs or inſtruments by which this office of law-making, this exerciſe of a right eſſential to the people's political liberty, is to be performed. If, therefore, the repreſentative — the organ or inſtrument of his conſtituents — the creature called into exiſtence by the breath of their lips — and the delegate in whom they have repoſed the confidence and the truſt of executing *vicariouſly* this ſacred right, ſhall vote for a law, againſt which his conſtituents petition the legiſlature, and inſtruct *him*; can more ingratitude, — can more diſhoneſty — or can a higher breach of moral obligation be conceived?

Shall the *inſtrument* pretend to originality or independence of action? — ſhall it deny the right of him whoſe inſtrument it is, to controul its actions?

or ſet up its own will as ſuperior in authority to the will of him who made it, and made it for his own uſe and ſervice? Does the plough thus accoſt its creator—"I am ſelf-made, or ſelf-moved?" or "I will or will not turn up the ſoil?"—Does it ſay to the maſter of the field, "I have a right to open the furrow lengthwiſe, or croſswiſe, or diagonally, without regard either to thy will or to thy intereſt?" or, "although thou madeſt me for thine inſtrument, I am now the lord of thee and thy land, and all that thou haſt?"

If repreſentation is to be of any uſe, the ſtaff of power muſt ever remain with the conſtituent for his ſelf-preſervation; for if the repreſentative can throw off his repreſentative character at pleaſure, and inſteadof exerciſing the power which his conſtituent has for a ſeaſon only put into his hands in truſt, to be uſed for his (the conſtituent's) protection and benefit,—if, I ſay, a power ſo created, and ſo confided, and ſo limited, may be exerciſed in a total independence of the conſtituent, what is the plain conſequence? This power muſt be exerciſed according to the *will* of one of the parties. If exerciſed according to the will of the *conſtituent*, then his political liberty remains, and his property will be reſpected. But if exerciſed only according to the will of *the other party*, then it is evident, that from that moment all ideas of a *vicarious* duty, of delegation, or repreſentation, vaniſh in air; and that the perſon exerciſing ſuch a power no longer retains a ſhadow of the repreſentative character, but is degenerated into an ARBITRARY LEGISLATOR, which is a mild term for tyrant; and he over whom ſuch power is exerciſed, is politically enſlaved, and conſequently may be fleeced, or otherwiſe maltreated, without remedy, in any degree to which human patience will ſubmit.

Thus we ſee that this new doctrine leads directly to the overthrow of the Engliſh conſtitution. It is a genuine ſprig of that very ſyſtem which has produced what Mr. Grattan calls a Borough Parliament; a ſyſtem, which having already brought Ireland to the moſt frightful ſituation, and to the verge of ruin, ought to arouze Engliſhmen, when they hear this doctrine ſtudiouſly introduced in recommending the propoſed union between the two nations. If we have not faith to believe in that ſort of tranſubſtantiation, by which a dry cruſt is declared to be mutton, veal, veniſon, and claret, I truſt that our underſtandings will reject with equal contempt this other, but no leſs abſurd, tranſubſtantiation, by which the prieſts of the borough myſteries would have us believe a ſelf-ſeated borough-monger is a popular repreſentative or a legiſlator known to the Engliſh conſtitution.

If, haply, any of the Iriſh nation ſhould conſult theſe pages, the author truſts the events of the preſent day will cauſe the 5th Section of the third part of this work, to make a ſuitable impreſſion. In p. 168 it was ſaid—"But even reform muſt not now be precipitated." While writing thoſe words, the author had no idea of what was then paſſing in the miniſter's mind; and the advice was therefore wholeſome. But now his language to Ireland is—'REFORM WITHOUT DELAY, OR PERISH! With a borough 'faction in your bowels; with one hundred and ſixteen placemen in a 'houſe of commons of three hundred members; with military laws eſta-'bliſhed in your country by act of parliament, and carried into execution 'by an army of one hundred and thirty-ſeven thouſand ſoldiers; and with '*Mr. Pitt* the ruling miniſter of the empire; you may declare war againſt 'his omnipotence, and reſiſt, if you pleaſe, his fraternizing embrace: but, '(as lately in Naples it was found) THE DISTEMPERS OF YOUR STATE 'are againſt you, and you muſt fall!'

And one word to England. If a borough faction be in poſſeſſion of the

political fortreſs of Ireland, muſt not the repreſentation it is intended ſhe ſhould contribute to the imperial parliament, be the very quinteſſence of that faction?

Is it thus the ſon of Chatham "infuſes a portion of new health into "the conſtitution to enable it to bear its infirmities?" — Is this at laſt 'the reformation of parliament, without which neither the liberty of the 'nation can be preſerved, nor the permanence of a wiſe and virtuous ad-'miniſtration can be ſecured:'* that we were taught to expect from *Mr. Pitt*, when he pledged 'himſelf as a man and a miniſter to uſe all his in-'fluence to that end!!!'— Have the propoſers of conſtitutional and wholeſome reform been ſo often told, that this was not the time, and that was not the time for ſuch a meaſure, to ſee choſen by this miniſter *ſuch a reform*, and at *ſuch a time*, as the preſent for its introduction! — But let me preſs down my riſing indignation!

In urging upon Ireland an immediate reform of her repreſentation, I do not forget the diſparity in the number of catholics over that of the proteſtants, nor the danger of parting with *proteſtant aſcendancy*. But as, be the neceſſity what it may, the *aſcendancy* of one ſect over another is but another word for *arbitrary power*, this danger, if Ireland is ever to taſte the ſweets of freedom and peace, muſt be encountered.

Her borough proprietors have, many of them, by their late conduct, ſhewn true patriotiſm, and a capacity of returning to public virtue. Cheriſhing that generous ſentiment which glowed in their boſoms, when with ſuch a noble diſdain they ſpurned from them the chains prepared for Ireland by an unprincipled ſtateſman, let them rend alſo thoſe chains with which they themſelves have ſo long held their country in bondage!

This taſk, I grant, is not a matter of mere juſtice; it requires alſo wiſdom and prudence. The object being to give liberty; a liberty that is to be the harbinger of peace, the parent of proſperity and happineſs, they muſt take into their conſideration the circumſtances of the community at the time of undertaking the work.

Let, then, their plan of reform be of gradual operation, ſo as to require for its completion a conſiderable term of years — ſay *thirty*. Let their repreſentation be in the firſt inſtance modelled as if thoſe thirty years had already elapſed; ſo that, on their actual expiration, the repreſentation ſhall be as nearly equal as may be. Admit immediately to the full right of freedom only thoſe catholics who have given particular demonſtration of loyalty on the late occaſion, as well as all who poſſeſs a qualification in property to a conſiderable amount. At the expiration of five years, let the act, without any new proviſion, extend the circle of emancipation to all catholics poſſeſſing property in a lower degree; and ſo at the end of every five years extend the circle, until at the expiration of the thirty years, the catholic inhabitants ſhould be on a level with the proteſtants.

Now, conſidering the comparative poverty of the catholics, ſuch a plan of emancipation, while it in the end aſſured them of freedom, would operate againſt proteſtant aſcendancy much ſlower than if the catholics were at preſent on an equality with the proteſtants in reſpect of property.

Let ſchools be univerſally eſtabliſhed, in which it ſhould be an indiſpenſable rule, that the new teſtament ſhould be taught in the vulgar tongue of the people, whether Engliſh or Iriſh; and let every juſt and rational mode be adopted for baniſhing that ignorance, which can alone make a theoretic papiſt a practical enemy to the happineſs of any community.—

* The author was preſent when, at a public meeting in ſupport of reform, the reſolution expreſſing this ſentiment, was corrected under Mr. Pitt's own hand-writing, before it was put and unanimouſly voted.

And conſidering the expiring condition of the papacy, and that this is an age of reaſon, muſt not the beſt effects reſult from ſuch a conduct?

And finally, cauſe manuals to be compoſed, both in the Engliſh and Iriſh languages, conciſely explaining the Iriſh conſtitution of government, and giving a clear abſtract of the ſtatute of emancipation: and make this alſo a ſchool-book, which every boy ſhould be required to read once at leaſt in every year, ſo long as he remained at ſchool.

Freedom thus given, and the catholics thus taught to underſtand its value, could the proteſtants have any thing to fear? O give but a ſketch! it is for Iriſh wiſdom to fill up the picture; to remove the grievances concerning tythes, and every other bar to reconciliation; and to build up Iriſh freedom on the foundations of wiſdom, juſtice, and benevolence.

The miniſter and his adherents have depicted Ireland as a country which exhibits almoſt every evil a bad government can inflict; while on one hand they offer many commercial benefits if ſhe will adopt their plan; and on the other hand they hold up in terrorem the farther evils which may be heaped on her unhappy head, if ſhe ſhould reject it.

Is this the wiſdom and generoſity of an Engliſh government? If Ireland has for many centuries been a part of the empire, why has ſhe been treated—I will not ſay as a conquered country, for every country once conquered ſhould be emancipated and rendered happy—but as a criminal, whoſe ſins were not to be expiated without ages of penury and chaſtiſement?

If, then, at length, the policy of a different treatment is become viſible; and if the cloſeſt bonds of union are become neceſſary, are theſe bonds to be clapped on by cajoling and bribery, by intimidation and violence? Remembering all ſhe has ſuffered under your dominion, can Ireland ſo ſoon caſt away a cheriſhed independence, not yet twenty years old, in exchange for two thirteenths of your repreſentation, which muſt inevitably lay her at your feet, with the privilege only of telling her miſeries as often as they may demand utterance, and holding at your mercy the means of alleviating them?

The way to make her ſenſible of her ſafety in an union ſhould ſeem to be, to ceaſe injuſtice; to communicate to her freely, and without any other ſtipulation than for mere reciprocity, every commercial benefit in the power of thoſe who hold the reins of imperial government; and unceaſingly to recommend to the Britiſh parliament to cultivate a good underſtanding by liberality of conduct. I have already ſuggeſted what ought to follow ſuch token of good will, and thoſe ſuggeſtions are ſtrengthened by reflection.

An actual union of legiſlatures, if at all practicable, ſhould, in the natural order of things, be the effect of an union of minds and of hearts; for then alone can it promiſe the benefits intended to be derived from it. But in the unnatural way in which the miniſter has managed matters, inſtead of confidence, he has awakened jealouſy; inſtead of harmony, he has kindled hoſtility; and inſtead of union, he has nearly involved the two countries in a quarrel.

To a nation ever ſo little verſed in the ſcience of repreſentation, could it be wiſe at ſuch a moment, and with abruptneſs, to propoſe ſuch a partnerſhip in repreſentation as the miniſter has propoſed to Ireland? To a people only half inſtructed in the miſerable condition of the repreſentation of both countries, could ſuch a propoſal promiſe any thing but the complete ſubjugation of both nations to a corrupt and arbitrary dominion?—The diſcontent in each ſeparate country on the ſubject of *repreſentation* was ſurely enough, without giving each the ſtrongeſt reaſons that can af-

fect the minds of free men, for resisting by every effort a coalition of the corruptions of the two countries!

Does *Mr. Pitt* forget what produced between England and America a perpetual DISUNION?—Was it not an attempt to establish a right of legislation for her in a British parliament? and is he also blind to the difference of the two periods? At the commencement of the American dispute, knowledge on the subject was chiefly confined to the closets of men of letters in the two countries, and to a few of the literati on the continent of Europe: whereas it is now not only pervading the mass in all the nations of civilized man, but has got such firm hold of the Irish mind, that although it may, by a wise and temperate statesman, be directed to the best ends of peace, liberty, and happiness, to which it is by its nature adapted; yet, if resisted by the violent counteraction of corrupt and arbitrary counsels, what can be expected but endless convulsions, and consequences the most to be deplored?

In reasoning on the proposed union with Ireland, much reference has been had to the former union with Scotland, and we hear of the *wealth* Scotland has acquired since that period. But is pecuniary wealth the only criterion, or indeed any criterion, either of the bodily health of a man, or of the political health of a nation?—To understand the *latter*, we must see the state of its political liberty. In this respect, perhaps, Scotland should operate rather as a warning than as a temptation.

But supposing political liberty safe; supposing the proposed union to be established on the bases of two reformed parliaments, and supposing the commercial competitions of the two countries to be completely superseded, and national prejudices also to give way to the utmost cordiality of sentiment, and the most complete union of interests; there still remains another question respecting extent of empire, and the practicability of carrying the representative principle into effect. If either be extended beyond those bounds, within which human faculties can produce the substantial benefits of good government, the end being then defeated, the means ought to cease. Pass the boundary, and the body politic, like a pampered plethoric natural body, will at once feel repletion and languor, obstructions and disease.

What in this respect is the true point of highest health and vigour, no state physician can ascertain; but history must have been read to little purpose, if it do not warn us against attempting too much, and against the ambition, or rather the avarice, of cumbrous empire. Nor will it be rash to pronounce, that, unless an imperial legislature for Great Britain and Ireland were framed on the most perfect model human imagination could conceive, it would be impossible to extend to Ireland even the inferior benefits of legal protection and impartial government, much less the indispensable, the inestimable blessing of political liberty.

But if *Mr. Pitt* were consistent, he should not speak to Ireland on legislative representation; because that is to recommend representative government, which he so often takes occasion to honour with his implied reprobation. Do we ever hear him speak of the constitutional changes wrought by France in Holland, Belgium, Switzerland, and Italy, but in terms of inveterate rancour? Representative government, which in America, in England, and in Ireland, is to confer every blessing, in all those other countries, according to this consistent statesman, is to disseminate every curse that flesh is heir to: while the admirable constitutions of Prussia, Austria, Muscovy, and Turkey, are the happy regular governments, under which we are to seek for social order, peace, protection, loyalty, and religion!!!—Nay, a representative government, when con-

ceded by *Mr. Pitt* to the *Corſicans*, was to be a magnificent proof of his virtue and love of human liberty; but when given to conquered ſlaves by a French directory, it is to prove them monſters of vice, and that they are the enemies of human kind!!!

The next time he is diſpoſed to give us, by contraſt and implication, an encomium on the governments of our faithful allies, for the deliverance of which from a change, he is ſo profuſely pouring out Engliſh blood, I pray him to tell us, which of them has for its object *the preſervation of political liberty?* Is it that, under which *La Fayette*, the champion of limited monarchy in France, ſo long languiſhed in the dungeons of Olmutz? Or is it that, ſo celebrated for its mutes and its bow-ſtrings, and in which the firſt hint of diſapprobation to a commander of an army or a miniſter of ſtate, is to take off his head? and where the people pay teeth-money to the ſoldiery, for the honour done them in eating their proviſions?

But, returning from this digreſſion to the immediate point with which we ſet out in this ſection; the falſe doctrine of imperial repreſentation in the perſon of an individual, and its natural conſequence, diſobedience to inſtructions, it may be of uſe to illuſtrate my argument by the putting of caſes, in reſpect both of liberty and property.

I ſhall ſhew how the adverſaries of liberty, even at the expence of being thought deficient in underſtanding, will ſtruggle to ſhake off all reſponſibility to conſtituents.—Firſt, then, let us ſuppoſe it propoſed to take off the prohibition from the exportation of wool. It will be allowed that here the true national intereſt, whatever that is, ought to prevail. But what *is* the national intereſt? Who can aſcertain it? And how are we to come at it? — To ſpeak generally, it is the intereſt of *the majority*; it is that choice between prohibition and exportation, or it is an intermediate point, by which the wool of the nation ſhall be made the inſtrument of the greateſt national benefit, or, in other words, ſhall promote the intereſt and happineſs of the greateſt number of the people.

How are we to obtain this knowledge? It may be anſwered,—by firſt bringing the queſtion into the fulleſt and moſt free diſcuſſion, and then putting it to the vote. Now each elective body will not only conſider its own particular intereſt, but be inquiſitive to know what may be ſaid or written by others upon the ſubject. Having made up its mind, it *inſtructs* its members accordingly; and we will ſuppoſe according to what it feels to be moſt for its particular intereſt. If a manufacturing diſtrict, it will probably ſay, 'Stick to the prohibition;' if a paſtoral diſtrict, it may ſay, 'Take off prohibition;' and if one of a different deſcription from either one or the other, it might propoſe a conditional exportation, as drawing a middle line.

A particular member having received his inſtructions, aſſigns reaſons to his conſtituents why he thinks them wrong, and for ſhewing their *commands* to be adverſe to the general intereſt. To this the conſtituents reply, 'They may or they may not be adverſe to the general intereſt: that as yet is to us a doubtful queſtion; but we have no doubt of having inſtructed you for our own intereſt; this we have a right to prefer, and (as this is a queſtion of mere property) to vote in ſupport of it: and as your arguments have not convinced us, and as you ſit in parliament, not in your own right, and to ſerve yourſelf individually, or without reſponſibility, but merely and wholly as the delegate we have appointed to defend *our* rights, to promote *our* intereſt, to tranſact *our* buſineſs; and in ſhort, to be the organ of *our* will, and to give on all occaſions ſuch votes *as we ourſelves*, if preſent in parliament, ſhould give; we require you to follow

your inſtructions. It is thus only we can contribute *our* ſhare towards a true declaration of the general opinion, or give *our* evidence towards proving what is the general intereſt.

'Should we yield to your judgment, and ſhould it turn out erroneous, and ſhould opinions and intereſts be ſo balanced that your's ſhould be a caſting vote, in that caſe it would ſo happen that by allowing you, againſt our conſidered and collective opinion, to vote according to your own, a law would paſs both againſt our own private intereſt and that of the public alſo: but by following your inſtructions, *and every other member doing the ſame*, you will have nothing to fear for the public, as the votes will then expreſs the general opinion reſpecting the general intereſt; or rather the general intereſt will be aſcertained in the beſt way that is poſſible in human ſociety.'

But experience might ſhew the nation to have been miſtaken: — granted. The nation might then correct the error. Its repreſentatives, ſtill obedient to its inſtructions, might repeal or amend the law: but if the will of the repreſentative, whether founded on a wiſer opinion than that of the conſtituent or not, could be previouſly ſet up as the rule, then, with a far greater probability of error, the nation, it is evident, could have no longer any political liberty, and would ceaſe to be the guardian of its own intereſt and property.

We will now ſtate a caſe applying immediately to public freedom. I will ſuppoſe a prime miniſter, who had already made great inroads on the conſtitution—who had been in the habit of expending immenſe ſums of the nation's money, without the knowledge of its repreſentatives, — who had ſcoffed at the idea of the ſovereignty of the people, — and who had openly maintained the chief magiſtrate had a right to fill the country at his diſcretion with foreign mercenaries; — ſuch a miniſter I will ſuppoſe to announce his intention of propoſing a law to put an end to all popular elections, and to veſt, once for all, in the then body of repreſentatives and their heirs, all the rights of taxation and legiſlation in perpetuity.

I will ſuppoſe *all* the elective bodies to petition parliament againſt ſuch a law; and *all* of them to be *unanimous* in *inſtructing* their repreſentatives to vote againſt its paſſing. I will now ſuppoſe *all* the members to call themſelves repreſentatives of the whole people of Great Britain, in order to render inſtructions on their hypotheſis impoſſible; and moreover to pretend they had a right to follow their own judgment, independently of the inſtructions or opinions of any; and then to vote for the aboliſhing of elections, according to the miniſter's propoſal.

Here, then, we in imagination ſee that which, if the miniſter's propoſed parliamentary union ſhould take place, we may, ere long, expect to ſee, or ſomething equivalent, the will of ſix hundred and fifty-eight men prevailing againſt that of the millions; and if the doctrine of each member being a repreſentative of the whole nation were true, no inſtructions ever could be given; and, conſequently, all this might be done without any violation of the forms of duty. The attorney might violate his truſt, and the creature not only rebel againſt his creators, but conſtitutionally and legally reduce them to the condition of ſlaves. Such are the fruits of this new doctrine!

Inſtructions, we know, are by the conceited, the proud, and the haughty, hard of digeſtion; and in proportion to the length of parliaments, and to the increaſe of dependent boroughs, this indigeſtion of inſtructions has grown upon us. Much I know may be ſaid, and truly ſaid, againſt the idea of the wretched venal rabble of a deſpicable borough giving inſtructions to a man of rank, of experience and know-

ledge; but is the conſtitutional and truly wiſe principle of obedience to inſtructions to be extinguiſhed becauſe of the ſcandalous exiſtence of ſuch reproaches to our country? That were to pile wrong upon wrong, abuſe upon abuſe.

The true mode of getting rid of inſtructions would be to reform parliament; as elections, truly conſtitutional, by the choice of fit men, and the harmony that muſt at all times ſubſiſt between them and their conſtituents, would make inſtructions unneceſſary. Add to this, that ſuch a body of repreſentatives as would then be the guardians of the nation's liberty and welfare, would effectually prevent miniſters ever daring to excite alarms in the minds of the people by harſh modes of government.

LIBERTY being the firſt object of every juſt government, *the wiſeſt ſyſtem* is that which beſt provides for its perpetual ſecurity. What is that wiſeſt ſyſtem, and that which, as a neceſſary conſequence, would always keep the reins of government in the hands of wiſe men, I truſt has been abundantly ſeen in theſe pages; and I truſt alſo that it is fully embraced in the Engliſh conſtitution.

Mr. Pitt giving the tone, much has of late been ſaid on *the competency of parliaments to change*, that is, to make or unmake, *a conſtitution*.

As the practical conſequences are of peculiar importance to *Ireland*, we will keep her particularly in our eye. Now, the Iriſh have A CONSTITUTION, and A LOCAL LEGISLATURE: according to *that* conſtitution, *that* legiſlature is compoſed of KING, repreſented by his *Lieutenant*; of IRISH PEERS, each in general repreſenting himſelf, and ſometimes repreſenting one another by *proxy*; and of THE COMMONS OF IRELAND, repreſented by their *attornies*. Such, I ſay, is the Iriſh conſtitution, and ſuch is the Iriſh legiſlature or ſupreme power, and by this power *the laws of the country are made*. But if, inſtead of the laws of Ireland being ſo made, they ſhould be made by a different legiſlature, (no matter whether better or worſe) and in a different country, it is plain *the conſtitution would be changed*. — If, then, the propoſed union would change the conſtitution of Ireland, ſo it muſt likewiſe change the conſtitution of England.

Now comes the queſtion: — Is parliament competent to make ſuch a change? To a mind at all acquainted with the ſcience of civil government, or accuſtomed to conſtitutional diſtinctions, it muſt be apparent that parliament is not competent to ſuch an act. If a legiſlature could change a conſtitution, neither kings, nor nobles, nor people could have any aſſurance that their rights could ſurvive any temporary current of opinion that might ſet in. But I truſt no man who has read the foregoing pages, where that queſtion has been amply diſcuſſed, can be capable of thinking any ſuch competency can reſide in parliament *.

Can, then, any reflecting mind behold a head-long ſtateſman raſhly attempting to change at one ſtroke, and by an inſtrumentality incompetent to the end, the two conſtitutions of ſtate of the ſiſter kingdoms; while parliamentary majorities in one of thoſe kingdoms give him ſupport, and the people at large look on with apathy; can, I ſay, any reflecting man behold all this, — and much more that is within the reach of his obſervation — without ſeeing the approach of ſome cataſtrophe, which muſt decide, perhaps in blood, whether any conſtitution at all, and what conſtitution, ſhall hereafter remain to his country?

As this doctrine of competency in parliament to change conſtitutions, now comes from the god of the borough-faction's idolatry, and from that ſaviour, to whom alone our alarmiſts look up, it is received as goſpel.—

* See p. 13, 19, 21, 22, 24, 45, &c. &c.

But as we have heard of falſe goſpels, and of falſe teachers, as well as of wolves in ſheep's clothing, let us put this doctrine a little to the teſt. Let us imagine a member of parliament, a conſcientious diſciple of the learned and virtuous Harrington, to move for leave to bring in a bill to aboliſh royalty—And why not? I aſk, although my reader ſtarts; and why not? For if parliament be competent to change the conſtitution, a member of that parliament muſt be competent to move for ſuch a change. Let us then imagine leave given, and a bill brought in accordingly. Let us farther imagine it to paſs both houſes. Then, according to Mr. Pitt's *doctrines of the day*, if his Majeſty ſhould cloſe his regal functions, by giving to this bill the royal aſſent,—and many kings have voluntarily abdicated thrones,—royalty in our government would be aboliſhed, and we ſhould have a new "government and *conſtitution* of this realm as by LAW "eſtabliſhed *;" without the nation having been once aſked, if they were willing to part with royalty or not!

Such is a point at which we may arrive, by ſuffering ourſelves to be guided by *Mr. Pitt*.

In *Mr. Locke* we ſhall find a guide more rational and ſafe. "The le-"giſlative," ſays he, "cannot transfer the power of making laws to "any other hands. For it being but a delegated power from the people, "they who have it cannot paſs it over to others. The people alone can "appoint the form of the commonwealth, which is conſtituting the le-"giſlative, and appointing in whoſe hands that ſhall be. And when the "people have ſaid, we will ſubmit to rules and be governed by laws, "made by ſuch men, and in ſuch forms, nobody elſe can ſay other men "ſhall make laws for them. The power of the legiſlative being derived "from the people by a poſitive, voluntary grant and inſtitution, can be "no other than what that poſitive grant conveyed, which being only to "make laws, and not to make legiſlators, the legiſlative can have no "power to transfer their authority of making laws, and place it in other "hands. The legiſlative neither muſt, nor can, transfer the power of "making laws to any body elſe, or place it any where but where the "people have †."

And now, with leave of the reader, and an eye on the new doctrine concerning *inſtructions*, we will put a different caſe. We will imagine his Majeſty *not* to reliſh ſuch a bill as we before ſuppoſed to have paſſed both houſes; but, languiſhing at the time on the bed of ſickneſs, he is ſupported by his attendants, whilſt with tremulous hand he ſigns the commiſſion, appointing his *legiſlative repreſentatives*, and with tremulous accents delivers his ſhort *inſtructions to put* HIS *negative upon the bill!*

The commiſſioners then enter into conſultation: they remark their royal conſtituent's ſituation; in his body weak as an infant, and at the ſame time utterly incapable of mental exertion. He cannot, they agree, be competent to decide on a queſtion embracing the intereſts of his people, and the complicated machine of imperial government: beſides, in the enfeebled condition of his mind, he muſt be wholly governed by the prejudices of his order; whereas they, on the contrary, are in full health of body and mind, and poſſeſs vigorous underſtandings, enlightened by ſcience, and enriched by political experience. Acting in a *legiſlative capacity for the whole empire*, it is their *duty*, they ſay, to conſult only the good and welfare of the people, and certainly without being influenced

* See the *unconſtitutional language* of the two well-known acts of parliament, which have taken their names from *Mr. Pitt* and *Lord Grenville*.

† On Government, B. II. c. 11.

by any *inſtructions*, eſpecially thoſe of one *not in a capacity to form a right judgment*. They, therefore, inſtead of obeying the king's inſtructions, give *his* aſſent to the bill, and thereby hurl him and his family from the throne of his anceſtors.

Were men thus to diſobey and betray their conſtituent, being a *king*, is there a term of reproach, is there an appellation of infamy, with which they would not be branded, and juſtly branded? But when a great city, or other elective body of *the people*, has been the conſtituent, we have ſeen, in ſupport of *the preſent miniſter's attacks on the conſtitution*, a parallel diſobedience, a parallel treachery, unblushingly practiſed, and as unblushingly countenanced. Such effrontery, or ſuch ignorance, is ſurely *without* parallel!

Does my reader now approve of the doctrines, that, without reference to the people, parliament is competent to change the conſtitution; and that, betraying their conſtituents, repreſentatives may act contrary to inſtructions?

If any where we ought to look for a ſacred adherence to the limitations preſcribed, ſurely it ſhould be in parliament; as that authority which is to preſcribe rules of action to all others, ought to be moſt ſcrupulous in ſetting the example of correct conduct. If parliament may trifle with its duty, and overſtep at pleaſure the boundary of its power, why ſhall not the prince, or the magiſtrate, or the military commander? Analogy will not admit of any one power in the ſtate breaking through its conſtitutional limitations more than another: and reaſon will inform us, that the higher the power, the more fatal its exceſſes. For the exceſſes of the military commander, or of the magiſtrate, the courts of law are corrections of ſufficient ſtrength. For the exceſſes of the prince, we have a remedy in the power of parliament: but for the exceſſes of a parliament, the people have no appeal, but to their own hearts and their own ſwords. Hence we ſee, that of all exceſſes in a ſtate, none are ſo fatal, none lead ſo directly to anarchy and the diſſolution of government, as the abuſe of power in parliament.

I like not this boring of holes in the conſtitution for the factious purpoſes of the day; nor do I approve of undermining either royalty or ariſtocracy, by attacks on the conſtitution; becauſe when *that* is once become a thing that may be metamorphoſed by parliament, according to the fancy of the moment or to the ſchemes of a miniſter, a conſtitution, inſtead of a bleſſing, muſt then be a curſe.

And who ſees not the conſequences, when it ſhall be competent to parliament alone to change a conſtitution; and when, of courſe, it ſhall be competent to any member to move any change he ſhall be pleaſed to ſuggeſt?—May not the dregs of our borough corruptions, and the exiſtence of a ſtanding army, furniſh another Cromwell with another opportunity of garbling parliament, and eſtabliſhing a deſpotiſm at once trampling on royalty and ariſtocracy, and enſlaving the people?

As a compenſation for a deſtroyed conſtitution, let us not hear of the glories of the reign of *Mr. Pitt*; when to become his ally, is to court expulſion from a throne: whereas, under the deſpotic but able dominion of the elder Cromwell, to be the ally of England was to have reſpect and authority throughout Europe. And when royalty and ariſtocracy on the continent, as if arrived at full ripeneſs, are faſt dropping from the tree, is *Mr. Pitt* the only man in theſe iſlands, ſo impatient of the autumn, that with rude and diſloyal hand he muſt ſhake the branches? That this pernicious child of ambition, equally regardleſs of the true and ſolid intereſt of every order in the ſtate, ſhould be ſo long ſuffered to go on in his mad

career, knocking down every conſtitutional obſtacle that ſtands in his way, can only be accounted for by that antient adage, *Quem Deus vult perdere prius dementat*; which may be thus rendered: The nation that is doomed to deſtruction, is firſt deprived of its underſtanding.

On the union with *Scotland* I have ſaid a few words: a few more ought to be ſaid. In diſcuſſing the propriety of a like union with *Ireland*, it ſeems to be thought ſufficient merely to refer to that fact, and to ſay, if there were radical defects in that legiſlative act, then all that the Britiſh legiſlature has been doing for theſe ninety years paſt has been without a juſt foundation. And if I forget not, the miniſter himſelf has, in a very triumphant tone, taken this line of argument, meaning to aſſume it as incontrovertible, that, after the practice and acquieſcence of ninety years, it is impoſſible to impeach the competency of the united Britiſh parliament to legiſlate for the whole iſland: and then, building upon this foundation, meaning to infer, it muſt be equally impoſſible to impeach the correctneſs of that legiſlative meaſure, by which the union itſelf was effected. But what is ſuch reaſoning but the logic of power, inſtead of the language of right? Will it not, in the mouth of a Ruſſian emperor an hundred years hence, be juſt as good an argument for uniting Sweden or China to Ruſſia; becauſe the Poliſh provinces had been united a century before, and the people had acquieſced in the laws?

The miniſter I know, ſenſible that his logic is none of the beſt, craftily intimates, that ſuch as ſhall attempt to refute him, muſt draw all their arguments from "*the elements of Jacobiniſm:*" hoping as it ſhould ſeem, that ſo terrible an imputation will intimidate his adverſaries from exerciſing their underſtandings; but if not, it will beget againſt them ſuch a prejudice, their arguments will have no effect. But as my readers will allow Jacobiniſm muſt have in it ſome good, if it enable any man to refute ſo great a logician as the miniſter; and not being much ſcared at the thoughts of agreeing in opinion with the Jacobinical John Locke, I ſhall proceed.

To make, then, the union with *Scotland* a *proper* caſe in point, and a *juſtification* for a like union with *Ireland*, ſomething more, I apprehend, is neceſſary than hiſtorical *fact*, legiſlative *practice*, and popular *acquieſcence*; and that it muſt be ſhewn by fair argument, it was an union which the then legiſlatures of the ſeparate kingdoms were of themſelves, and independent of an actual reference to the people of the two countries, competent to make. Now, if my reaſonings in this work, on the ſubject of competency, are concluſive, this never can be ſhewn;—no ſuch proof can be given: and therefore that celebrated act, be the advantages of it what they may, ſtands impeached as deficient in juſtice, and a violation of the political liberty of both nations: to hold it up, therefore, as a precedent, muſt ſhock every conſtitutional and reaſoning mind.

I have, however, no doubt but that if, in the particular inſtance of England and Scotland, the caſe of the union ſhould be fairly and conſtitutionally reviſed; and if the people had a real and ſubſtantial repreſentation, by means of which they could notify to each other, and could carry into effect their united will, as to the point in queſtion, they would at this time be ready to cure the inherent defect in the proceeding of the year 1707; by now agreeing to, and authorizing, the neceſſary alteration in their reſpective conſtitutions, for effecting an union of the two countries under one legiſlature. All this I believe, becauſe I have no doubt it would be their opinion, that, for a ſingle legiſlature to extend the operation of juſt and beneficial government to the whole of the inhabitants of THIS ISLAND, is clearly within the compaſs of human faculties to effect; that, in ba-

lancing attendances of the Scotch upon parliaments, the superior courts of law, and public offices in London, instead of Edinburgh; against the rivalship and jealousy of two distinct kingdoms; the former would be preferred: and that an union must have a natural and visible tendency to improve the condition of the two countries.

But we ought to be very cautious how we draw inferences from the case of *Scotland* in favour of an union with *Ireland;* for in the business of *civil government,* which is a business of *every day all the year round,* great indeed is the difference between having two countries under the same legislature, divided by a trout-stream or by a sea. In the comparison alone, between the Tweed and the Irish Channel, we shall find very powerful arguments *for* an union with Scotland, and *against* an union with Ireland.

And at all events, an union with the latter ought not to be attempted, until all constitutional impediments to its justice, and its consistency with the political liberty of the two countries, shall be completely removed.

But it may be objected to my mode of reasoning, that it theoretically impeaches the competency of the British parliament, as it has stood ever since the union in 1707, to have legislated for the people of both countries. I cannot help that. My concern is not for mere unfounded claims of parliament, but for truth and the constitution of my country. If my argument be untrue, it will be easily overturned, and the claims of parliament will stand safe and unmoved on their present foundations: but in respect of any unfounded claim of parliament, I hesitate not to say, it ought to yield to truth and justice, whenever they shall be brought to light, come they from whomsoever they may. And from such conduct no possible harm, but incalculable good would result, as in the foregoing pages may have been seen in more than one instance. Who can doubt of the happy effects of doing away all unconstitutional law? or that a legislature strictly *de jure,* while it repealed all unsound statutes made by a legislature *de facto,* would retain all that such a legislature had done well, and confirm all such statutes as could with propriety remain?

On another particular topic also, besides that just dismissed, I thought I had said enough; but, from recent events and recent speeches, I feel called on to request my reader will not only advert to what has gone before, but favour me with his attention while I offer a little more proof—whether it will please the almighty and omniscient *Mr. Pitt,* or not—that in the primary and full sense of the word *sovereignty,* there is none known to the English constitution but *the sovereignty of the people.*

A people *free,* and not *sovereign,* is a contradiction in terms.

What is the end of all government, but the good and happiness of THE PEOPLE? Are not the crowns of kings, and the coronets of nobles, set on their heads to promote *this* end? Is not every prerogative and every privilege bestowed, only the more effectually to secure *this* object? And is not the supreme power of the state altogether fiduciary, and a trust for which the legislative is answerable to THE PEOPLE? "A pupil," says Holtoman, "is not appointed for the sake of his tutor, "nor a ship for the sake of the pilot, nor an army for the sake of the "general; but, on the contrary, all these are made such for the sake of "those they have in charge: Even so the people is not designed for the "sake of the king; but the king is sought out and instituted for the "people's sake. For a people can subsist without a king, and be go-

" verned by its nobility, or by itself. But 'tis even impossible to con-
" ceive a thought of a king without a people*."

I have already, in page 286, called in the aid of that truly great man, John Locke, to correct the minister's arrogance and confound his presumption, when daring to maintain a doctrine equally contemptible for its reasoning, as abominable for its hostility to our constitution; and on this occasion again, when I am to controvert another of the minister's dogmatical assertions, as unfounded as his doctrine of parliamentary competency to change the constitution, I shall resort to the same quarter for assistance.

" Though," says Locke, " in a constituted commonwealth, *standing*
" *upon its own basis*, and acting according to its own nature, that is, *act-*
" *ing for the preservation of the community*, there can be but *one supreme*
" *power*, to which all the rest are and must be subordinate; yet the legis-
" lative being only a *fiduciary power*, to act for certain ends, *there remains*
" *still in the people a supreme power* to remove or alter the legislative,
" when they find the legislative act contrary to the trust reposed in them.
" For all power given with *trust* for the attaining an end, being
" *limited* by that end, whenever the end is manifestly neglected or op-
" posed, the trust must necessarily be forfeited, and the power devolve
" into the hands of those who gave it, *who may place it anew where*
" *they shall think best for their safety and security*. And thus the
" community perpetually retains a supreme power of saving them-
" selves from the attempts and designs of any body, even of their
" legislators, whenever they shall be so foolish or so wicked as to
" lay and carry on designs against the liberties and properties of the
" subject†."

Here, then, are two species of sovereignty, one active, the other quiescent; the one derivative, and the other original; the one limited, the other by nature boundless: a fiduciary or vicarious sovereignty being entrusted to that legislative which the nation hath willed and created; while the only underived and absolute sovereignty is the sovereignty inherent in the PEOPLE.

Mr. Pitt, in the strongest terms, has lately reprobated this sovereignty; and, for having acknowledged it, has recently taken from the premier duke of England the lieutenancy of a county and the command of a regiment. And of a piece with this despotic doctrine and conduct, *Mr. Pitt* now maintains, that the parliament of Ireland is *independent* of the people; which must either mean, that it have underived and absolute power, or it can mean nothing. If in another sense he mean *independent*, is it the proof of his proposition, that of three hundred members of the commons house, one hundred and sixteen are *dependent* on the crown, by holding lucrative offices?

This great orator, by a dexterous stroke of logic, which is *not a direct answer* to a charge brought against him, vindicates the experiments he makes on the virtue of the Irish commons, in depriving of their places of profit such members as will not vote away the independence of their country at his bidding; by maintaining, that " with-
" out co-operation and *union of action* in the members of administra-
" tion, *no government can exist*." That this is a true doctrine, shall be granted: but then, in return, it must be granted me, that, ' with-
' out a strict *union of interests* between the people and their represen-

* Franco-Gallia, cap. 15. † Locke on Gov. B. II. c. 13.

'tatives, and a perfect independence of those representatives on the 'executive power, *no constitution can exist.*' A practical demonstration of this truth seems to be at hand.

Once more, with the *one hundred and sixteen* Irish placemen in our eye, let me impress it indelibly on the memory and reflection of my reader, that, in the seventeen legislatures of *America*, in that of the vast republic of *France*, and in those of every new republic, from the *Texel* to the *Adriatic*, the monstrous absurdity, the cheat, the abomination, and the gross indecency, of PLACEMEN sitting and voting amongst the REPRESENTATIVES OF THE PEOPLE, is not seen in a *single instance!* Well may *Mr. Pitt*, *Mr. Dundas*, and *Mr. Windham* inveigh against such governments, and set their faces against parliamentary reform!!!—well may the host of placemen around them echo their trumpery jargon about French principles and the elements of Jacobinism—words that have no meaning, but what the imagination of the auditors may please to supply!!!—and well may any borough faction take care to cultivate a "co-operation and union of action with "the members of administration!!!"

25th March, 1799.

A CONSTITUTION being that original and comprehensive expression of a nation's *agreement* and *will*, declaring under what forms, in what manner, and by whom, its affairs shall be administered; and being, consequently, that primary and pre-eminent rule, which is not only to give existence and authority to a legislature, but to prescribe the bounds it shall not pass: a constitution, then, ought doubtless to be itself clearly ascertained, and universally known. It consequently ought to be written, and taught to our children, with the Lord's Prayer and the Ten Commandments.

But the English constitution being unwritten, must be to the generality of the people unknown; and even amongst men of education it is, alas! far too much a matter of uncertainty*. This ignorance and uncertainty have furnished to unprincipled men the perpetual means of frittering away to mere unsubstantial shadows, the most solid and essential parts of our constitution, intended to hold men in power faithful to their trusts, or to punish their excesses: and such men, Whigs as well as Tories, have abundantly availed themselves of those means, to undermine the whole fabric of our liberties.

Hence, the present wretched state of parliamentary representation; and the dishonest evasion also of that self-evident principle, *that a representative of the people shall not be a court dependant.* A man gained over to the court by a lucrative office, is made eligible to what is called a *re-election;* which, in plain fact, is generally nothing more than a new nomination by himself, or by some other borough proprietor. Hence also, various inferior invasions of the constitution; and hence, in like manner, the present attempt, against all principles, to melt down the two separate legislatures of this country and of Ireland into one, without so much as thinking of previously restoring either of them to constitutional purity.

The Author has seen enough to be no longer surprised at attacks on the constitution the most flagrant; at a denial of its principles the most avowed; or at contradictions of doctrine the most palpable, as serves the

* When the nature of the reading which is to instruct a man in a knowledge of the Constitution is considered, the want of that knowledge in men of what is called a liberal and polite education, cannot be a matter of surprize.

turn of the moment, in those who, if not disgracefully ignorant, must intentionally seek to destroy it; or, recollecting the doctrine of *Lord Grenville*, in May 1797, he might have been astonished at the opposite doctrine delivered by that noble lord in March 1799*.

His lordship's former doctrine has been put on record in this Work; his present doctrine shall now be considered. But it is premised I speak from newspaper authority only; and certainly mean not to impute to his lordship any thing but what has hitherto appeared in the Reports of the Parliamentary Debates, and as far as I know stands uncontradicted. I merely speak of *Lord Grenville*, as the author of the doctrines, because given in his name; and I mention him by name, because it is his name—a lord of parliament, a statesman, and a cabinet minister—that gives weight and influence to such doctrine.

Echoing *Mr. Pitt*, his lordship now, in as many words as it should seem, maintains, that "The parliament and the king have a right to "change the constitution." If this language have any meaning, it must mean, that the legislature have a right to annihilate the English constitution, and to give us, in exchange, a new one, on the model of the late French monarchy, or of the present Russian or Turkish empire, or any other whatever. Fashionable as it is become with some amongst us, to admire such regular governments as I have mentioned, so friendly, as they insinuate, to order, to religion and human happiness, it is, I confess, no satisfaction to my English feelings, to be told, parliament has a right to make such a change. And my reason tells me, that this monstrous doctrine—a doctrine as subversive of the aristocracy and the throne, as it is of all freedom—has already fallen before the many demonstrations of its erroneousness and absurdity given in this Work.

If the doctrine were, indeed, true, it must then be allowed, that, the legislature having a right thus to annihilate *the whole* of our constitution and our liberties, its right to annihilate all the separate *parts* must be indisputable; but as my *Lord Grenville* will perhaps with most complacency submit to refutation when it comes from *himself*, let him listen to *his own words*, which I have fortunately preserved. When, in May 1797, it was his lordship's object to quash the first tendencies towards a *Parliamentary Reform*, which he reprobated as an attempt "*to change* "the whole frame of *our constitution*," he asserted, and truly asserted, that "to take away the elective franchise was a violation of fundamental "rights, which the two houses of parliament were *not competent* to "enact, and to which His Majesty *could not* give his assent†."—So, then, it seems, parliament is competent or not competent, omnipotent or not omnipotent, just as the ministerial order of the day may require!—And the constitution of England is to exist, or not to exist, just as it shall please *Mr. Pitt* and his majority!—A curse on such detestable maxims!—Shame be to the country, where a man can thus say and unsay—and can thus sport with things the most sacred, and remain a minister!

Here, then, we see the blessed fruits of *an unwritten constitution!*—Men, relying on the general ignorance of the community on the subject, are tempted equally to misapply the principles of the constitution, in order to stab it to the heart; or to falsify, or to deny the principles themselves, when so doing better serves their turn. Neither his brethren of the peerage, nor his majesty, methinks, can be much obliged

* See the Debate of the 19th, as reported in the Courier of the 20th.
† See p. 42, and what follows.

to *Lord Grenville* for this doctrine of parliamentary omnipotence; for it is but a single step, and a very short one, from a similar claim of right in *the strongest part* of the parliament; and which at any time may be set up with equal justice; for the lords may recollect, their house has once been voted useless; and his majesty can never forget, that a parliament (as it called itself) took off the head of a predecessor.

Let his lordship have the full advantage of his own argument. "But it was not merely," said he, "on the question of a regency "that parliament was *omnipotent*. They might constitutionally make "a question of the rights of sovereignty; for the right of the king to "the crown, was a parliamentary right. In this country the consti- "tution acknowledged, and knew of no other, and it would be trea- "sonable to dispute it." I am glad his lordship allows there is other *treason*, besides that which may be put into an indictment; but whether in this case treason be, in disputing, or in asserting, a right in parliament wholly "to change the constitution," or to abolish royalty, let the candid reader judge.

This doctrine of a right in parliament "to change the constitution," being absolutely necessary to authorize an union with Ireland *on the plan proposed*, the possibility of *such* an union on *parliamentary* authority, should now seem to be at an end; unless for this sorry mess of pottage, the English nation is become capable of selling the inheritance of its liberties. But as it certainly is not understood by the people of England, that this union, whether in itself a good or a bad thing, cannot be had but by a complete surrender of their constitution; it is fit they should be apprized of the nature of the bargain offered them; when they will do well to consider if after such a surrender, on such an occasion, that constitution ever can be recovered, but by the shedding of rivers of English blood.

I may now, I trust, pass over without comment that part of *Lord Grenville*'s speech, wherein he with an air of triumph asserts, "there "did not exist a lawyer in the country, who could start any objection "to the power of the respective legislatures to carry into effect the "union of both countries;" meaning of course by the plan now proposed, and by mere parliamentary authority.

But his lordship, when about "to change the constitution," finding, as well he might, the Sovereignty of the People in his way, observes, "the sovereignty of the people was pleaded as a justification of the ob- "jection, on the ground of the incompetence of the legislature; and it "was contended that parliament could not annihilate the rights of the "people. But how is this statement supported? Is there in reality such "a thing as the sovereignty of the people? I will maintain and prove "that no such thing does, or can exist. It does not exist in this "country; it does not exist in any republic, or in any democracy "whatever; and the proof is satisfactorily made out from this simple "and undeniable consideration, that *some portion of the people must exer- "cise a Sovereignty over the rest*. The sovereignty consequently can "only *reside* in that part to whom it is *transferred*, and the remainder and greatest portion are divested of supreme power, and are only to be viewed as *subjects*.

That this consideration is indeed sufficiently *simple* we may allow; but that it is *undeniable*, must not be so readily granted. 'Tis in truth sophistry beneath criticism, were it not on too serious a subject to be passed over in silence; and came it not from an authority calculated to impose on the public. If it be the effect of sheer ignorance, how deeply is it to be lamented that, at a season so stormy as the present,

such men should be at the helm of state! But if we could suppose all this jingle of words, and Mr. Pitt's sophistries on the same subject, a designed confusion thrown over the truths of the constiution, in order to undermine it, how dreadful must be the idea, of being, amidst rocks and whirlpools in a tempest, at the mercy of such pilots!

The word "Sovereignty" in our language has at least three distinct significations. I have already noticed two of them; one, having reference to the legislature; the other, to the people; for, as before observed, a people *free* and not *sovereign*, is a contradiction in terms, and that which no reasoning mind can conceive. None but the king can *execute* the laws; none but parliament can *enact* statutes; none but the people can "change the constitution."

When, in contempt of distinctions so clear and intelligible, men in power, by misrepresentations of our constitution, attempt its violation, shall they not be publicly rebuked, and the nation put on its guard against such false guides? England has seen the day, when the being convicted of perverting a constitutional principle, on which rested for its preservation the frame of our government, and the whole fabric of our freedom, would have driven the ablest and the strongest ministers from their seats. But how long such perversions, and their attendant violations, will now be patiently endured, the writer pretends not to calculate.

Not having as yet examined into the principles imputed to United Irishmen, he knows not their exact tendency, nor their extent; but, be they what they may, it is impossible that, *as principles*, they can go more completely to the subversion and annihilation of our government and our liberties, than this single principle maintained by ministers, that "parliament has a right to change the constitution."

Knowing this strange doctrine is to be found in *Blackstone*, the writer can therefore, little as appears to him the respect of ministry for the freedom of their country, impute it even in them to mere prejudice and error of thinking. Wherefore let him say to them, 'Cease to impute criminality to parliamentary reformers; or treasons to men who 'may hold political principles, which, if pursued to their full extent, 'might lead to *a change of constitution*, if wished for by the people. 'First, pluck from your own eye, this beam, of a parliamentary-authority, "to change the constitution;" before you condemn others 'for having in theirs, the moat of a change less exceptionable. Shew 'your regard for English liberty, and the sincerity of your attachment 'to the English constitution, by exerting all your influence as men and 'as ministers, to fortify that liberty by purging that constitution of its 'corruptions, that it may be restored to its native excellence and energies. That constitution thus rescued from danger, and rendered the 'object of rational admiration, you may then sleep quietly in your 'beds, without the dread of existing conspiracies, or causing those ill 'humours, which bring such disorders into being. Recollect that, of 'all causes of national discontent, none in nature can be so strong and 'so deep-rooted, as those which arise from seeing the barriers of liberty 'one by one broken down; and from a fixed belief, that it is the 'settled design of men in power, to subvert the true foundations of the 'government entrusted to their care.'

By attending to the distinctions, in respect of *sovereignty*, which have been pointed out, my *Lord Grenville* may clearly see, how "some "part of the people may exercise sovereignty over the rest,"—a sovereignty legislative and executive,—without trenching in the smallest degree on the constitutional, original, inherent, and only-absolute

sovereignty of the people: but if his lordship shall refuse to stand corrected, and shall persist in maintaining that "soverignty can *only reside* in those to whom it is *transferred*, he will stand chargeable, on his own shewing, with not only stripping of sovereignty HIS SOVEREIGN HIMSELF, but of reducing his king to the condition of "A SUBJECT," and the subject of his own ministers; for the whole of the *executive sovereignty*, which is all the sovereignty belonging to his majesty, is constantly "TRANSFERRED," and "exercised" *ministerially*. If, then, "sovereignty can *only reside* in those to whom it is *transferred*;" and if those who, by thus appointing their representatives, "are *divested* "*of supreme power*, and are only to be viewed as *subjects*," it will inevitably follow, that *Mr. Pitt*, *Lord Grenville*, and *Mr. Dundas*, are SOVEREIGNS, and the king a *subject*. I have long thought such was an object of the system; I have long foreseen and foretold the consequences of Reevean LOYALTY: It is a LOYALTY, aye, verily, it is LOYALTY, at the shrine of which every thing sacred in our constitution is doomed to be successively sacrificed; to gratify that distructive faction which, having fraudulently monopolized our REPRESENTATION, and thereby concentred all power in itself, now calls itself "OMNIPOTENT."

Here, then, take we leave of those Leaders in the Irish chace, *Mr. Pitt*, and *Lord Grenville*; nor has the "echoing horn" of *Mr. Douglas*, shaken any one of our conclusions on the incompetency of parliament "to change the constitutions."

CONCLUSION.

By way of Appendix to what I have related, of the English nobility having been first made hereditary, as a master-stroke of policy in the tyrannical Norman, I shall now, from the 16th chapter of Franco-Gallia, present my reader with an exact parallel, in the policy of *Hugh Capet*, whose royal house in our time is paying the debt of his perfidy.

"We must not," says the historian, "omit making mention of the "cunning device made use of by *Hugh Capet*, for establishing himself in "his new dominion: For whereas all the magistracies and honours of "the kingdom, such as Dukedoms, Earldoms, &c. had been hitherto "from ancient times conferred upon select and deserving persons in the "general *Conventions of the People*, and were held only during *good behaviour*; whereof (as the lawyers express it) they were beneficiaries; *Hugh* "*Capet*, in order to secure to himself the affections of the great men, was "the first that made those honours *perpetual*, which formerly were but "temporary; and ordained, that such as obtained them should have a "hereditary right in them, and might leave them to their children and "posterity in like manner as their other estates. Of this, see *Franciscus Conanus* the Civilian, Comment. 2. cap. 9. By which notorious "fact, 'tis plain, that a great branch of the *Public Council's* authority "was torn away; which however (to any man who seriously considers "the circumstances of those times) seems impossible to have been "effected by him alone, without the consent of that Great Council "itself."

Be this conjecture, respecting the Great Council, as it may, the fact, as to posterity, was the same. In England it should seem, too, that the Great Council was *consenting* to the proposal of William. The whole of it had been elected by the People to its office for *one year*; and the whole of it, corrupted by the king, and their own ambition, assumed

perpetual power. Since the glorious Revolution, we have twice seen an English House of Commons act on the same principle, although not quite to the same extent. By the proverb, we are taught to *beware of the third attempt!*

It cannot now be doubted but that the precedent set by *Hugh Capet*, and the consequences which the cunning Norman had seen to flow from it in France, had determined him on playing the same game in England. As this event in France happened about fourscore years before the Norman invasion, there had been sufficient experience of its effects to teach William how to promote his own treacherous and despotic designs, by a similar policy.

These two most extraordinary events, so materially affecting the constitutions of two free nations, seem to be full of instruction to modern times; and particularly to an English nobility, as well as to an English King and his Counsellors.

Capet and the Norman had each, partly by entrigue, and partly by the sword, seated himself on a throne to which, not being preferred by a free election of the people, he had no right. A consciousness of having a bad title, and a contempt for national or human rights, inspired each with the idea of striking at the root of popular power, by tearing from the people the election of their legislators and leaders. In the nefarious attempt, each completely succeeded: but with much difference in the issue.

Capet's successors, with the aid of those who had partaken with him in the people's spoil, at an early period shook off all popular controul, which never recovered itself for eight hundred years; and after long and bloody struggles with a nobility whom their predecessor had made hereditary and tyranical, they succeeded in the end, in converting that nobility into the insignificant and contemptible pageants of a court. Such is the regular progress of despotism when it takes its natural course. The final catastrophe—the harvest of vengence which hath at length poured in upon the Capetian family, and the servile nobility of France; all originating in that handful of seed sown by *Capet*, and those he drew by corruption from their proper stations in the Franco Gallican government—we in our awful day have witnessed.

Now the early sucessors of the Norman conqueror, were equally disposed with those of *Hugh Capet*, to have pursued a similar course in England; but the principles of popular freedom being deeper rooted in this country than they had been in France, and concurrent circumstances more favouring their operation, so much of the ancient constitution as, under certain trammels, restored to the people an election of Representatives, to share once more with the Nobles and the King in making laws, was, after a tedious interval of darkness, and trouble, recovered. And although the circumstances attending its recovery, and the very great proportion of arbitrary power that necessarily remained to the King and the Barons, in consequence of the feudal institutions, and the Norman law which William had insidiously engrafted upon the Saxon free customs, and which operated as far as they went in the way of poison; yet by the genuine excellence and innate vigour in what remained of our Saxon constitution, England had the happiness to preserve so much of her antient law, and such a degree of popular freedom as always to call herself a free country, and strongly to feel the sentiment of Liberty.

It is this sentiment that, down to the present moment, has been the charm which, with a temporary exception, has at all critical seasons preserved the throne and the nobility; for, so long as the people conceived them-

selves free, they neither pried into ancient or modern historyith too curious an eye; but, considering their King, and their Nes, as magistrates certainly belonging to their constitution; and atbuting to that constitution; all their liberty, they have ever shown angular attachment to the throne, and an uncommon respect for the nility.

It should, however, now seem, as if it were the intention onen in power, to cure the people of these prejudices, as silly fancies; swell as to wean them from looking to the constitution for the preservion of their liberty—as a still more ridiculous farce; but, to speak in t plain seriousness becoming our subject, we may observe, that, contempt of the awful instruction held up to crowns, and corons, and state councellors, by the French revolution, there are thosen this country who seem to despise the policy of cherishing a sentirnt of liberty in the bosoms of the people, and who think it wiser to tethem, they neither are free, nor ought to be free.

The people are accordingly told, and by gentlemen holdingffices under the government, that an House of Commons is an asmbly having full power to dispose of their property, but is not, new was, nor ever ought to be, their Representative*. They are told tat an English king has a right to surround himself with foreign mercnary troops, in any number, at his own sole discretion†. They ar told that Parliament has "absolute, despotic authority;" and, as a necessary consequence, they are lastly told, it has a right, if it please, to eablish in this country the constitution of Turkey, or Morocco!!!‡

* The Commonwealth in Danger: and, The Example of France, a Warning to Britain.
† See p. 18. ‡ See p. 292.

THE END.

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* *Election*,—of which all they who aim at, or profeſs, arbitrary power, ſeek by every means to defraud the people,—they are particularly vigilant and jealous in preſerving *to themſelves*: and, in proportion as they find the delegation of their power dangerous to their own authority or ſecurity, *they limit its duration*.

The Grand Seignor, accordingly, in order to ſecure the more effectually the fidelity and dependence of the Baſhaw, the Cadi, and the Mufti of Aleppo, appoints, that is, *elects* them ANNUALLY; as we are informed by Dr. Ruſſel in his Natural Hiſtory of Aleppo.

And with all Emperors and Kings it is a general rule, that miniſters, and magiſtrates, and military officers, who are to *repreſent* and to ſerve *them*, ſhall be not only of *their own election*, but *removeable at pleaſure*. What an uproar we ſhould have had amongſt our Alarmiſts, and what cries of conſpiracy! conſpiracy! treaſon! treaſon! had modern reformers propoſed that ſuch *repreſentatives* of his Majeſty ſhould have enjoyed *ſeptennial* power, independent of the royal will!!!

We cannot therefore but admire the modeſty by which it was propoſed, and the dexterity by which it has been brought about, that an Engliſh Houſe of Repreſentatives, intended by the conſtitution to *repreſent* none but the people, and peculiarly to ſerve *them*, ſhould in a moſt extenſive degree be appointed by perſons *in other intereſts*; and that, with reference to the *People*, that houſe is to exiſt independent of them for *ſeven years*; while, with reference to the *King*, it is to be *removeable at his pleaſure*!!!

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ERRATA.

P.	L.	
25	8	For correcting this line, compare with p. 215, l. 22
44	38	with p. 68, l. 25
52	12	*read* ſolemno
81	8	from bottom, dele comma after "now"
86	10	"faction" ſhould be in italics
88	14	*read* then levy
94	11	*read* hundreds
95	29	*read* places
102	21	*read* our damages
103	34	*read* ſufficient to make
113	30	*read* author
114	21	*read* ſoldiers
116	4	from bottom, *read* would have been
139	17	ditto, *read* Richard II.
141	2	*read* offices
142	9	*read* they are, on a return of peace, to be
146	29	*read* to lead
147	17	*read* neceſſary
152	2	*read* nobility and of all oppoſing land-owners? Our
175	14	*read* are not
201	laſt	*read* fail
203		Between line 5 and 6 from the bottom a whole line is omitted; therefore inſert—was no more than a natural effect of an obvious cauſe, for ſuch a militia
208	9	*read* he ſhould
211		Firſt note, *read* William I.
217	9	from bottom, *read* repreſentatives
218	29	*read* into an
218	38	*read* ariſtocracy, a legiſlature without popular repreſentation, and
221	1	*read* the imperfect election
227		Note, *read* Boov
232	13	from bottom, *read* 57, 86
265	32	*read* Zenger
272	36	*read* eighty-two thouſand
277	22	*read* by right of
279	8	from the bottom, *read* military law
280	14	*read* keep down
281	9	*read* I give but
289	6	from bottom, *read* Hotoman

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